The copy filmed here has been reproduced thanks to the generosity of:

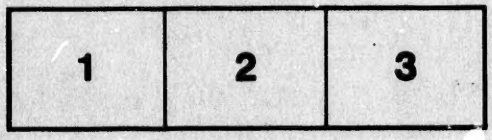
Library of the Public
Archives of Canada

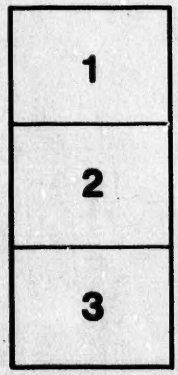
The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

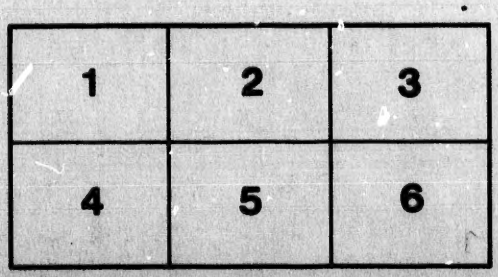
Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol → (meaning "CONTINUED"), or the symbol ▽ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:







L'exemplaire filmé fut reproduit grâce à la générosité de:

La bibliothèque des Archives
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole → signifie "A SUIVRE", le symbole ▽ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

THE LETTERS OF Governor HUTCHINSON, AND Lieut. Governor OLIVER, &c.

THE SECOND EDITION.

[Price Two Shillings.]

THE

LETTERS

OF

Governor HUTCHINSON,

AND

Lieut. Governor OLIVER, &c.

Printed at BOSTON.

AND REMARKS THEREON.

With the ASSEMBLY'S ADDRESS,

And the PROCEEDINGS

Of the LORDS COMMITTEE of COUNCIL.

Together with

The SUBSTANCE of Mr. WEDDERBURN'S SPEECH relating to those LETTERS.

And the REPORT of the LORDS COMMITTEE to his MAJESTY in COUNCIL.

THE SECOND EDITION.

LONDON:

Printed for J. WILKIE, at Number 71, in St. Paul's Church-yard. MDCCLXXIV.

THE
LETTERS
OF
Governor HUTCHINSON,
AND
Lieut. Governor OLIVER, &c.
Printed at BOSTON,
AND REMARKS THEREON.
With the ASSEMBLY'S ADDRESS,
And the PROCEEDINGS
of the LORDS COMMITTEE of COUNCIL,
Together with
The Substance of Mr. Wedderburn's Speech
relating to those LETTERS.
And the Report of the Lords Committee
to his Majesty in Council.
THE SECOND EDITION.

LONDON:
Printed for J. WILKIE, at Number 71, in
St. Paul's Church-yard. MDCCLXXIV.

LETTERS, &c.

SIR, *Boſton, June* 18, 1768.

AS you allow me the honour of your correſpondence, I may not omit acquainting you with ſo remarkable an event as the withdraw of the Commiſſioners of the Cuſtoms, and moſt of the other Officers under them, from the town on board the Romney, with an intent to remove from thence to the Caſtle.

In the evening of the 10th, a ſloop belonging to Mr. Hancock, a Repreſentative for Boſton, and a wealthy merchant of great influence over the populace, was ſeized by the Collector and Comptroller for a very notorious breach of the acts of trade, and, after ſeizure, taken into cuſtody by the officer of the Romney man of war, and removed under command of her guns. It is pretended that the removal, and not the ſeizure, incenſed the people. It ſeems not very material which it was.—A mob was immediately

raiſed, the officers inſulted, bruiſed, and much hurt, and the windows of ſome of their houſes broke; a boat belonging to the Collector burnt in triumph, and many threats uttered againſt the Commiſſioners and their officers: no notice being taken of their extravagance in the time of it, nor any endeavours by any authority, except the governor, the next day, to diſcover and puniſh the offenders; and there being a rumour of a higher mob intended Monday (the 13th) in the evening, the Commiſſioners, four of them, thought themſelves altogether unſafe, being deſtitute of protection, and removed with their families to the Romney, and there remain and hold their board, and next week intend to do the ſame, and alſo open the Cuſtom-houſe at the Caſtle. The Governor preſſed the council to aſſiſt him with their advice, but they declined and evaded, calling it a bruſh, or ſmall diſturbance by boys and negroes, not conſidering how much it muſt be reſented in England that the officers of the crown ſhould think themſelves obliged to quit the place of their reſidence, and go on board a King's ſhip for ſafety, and all the internal authority of the province take no notice of it.— The town of Boſton have had repeated meetings, and by their votes declared the Commiſſioners and their officers a great grievance, and yeſterday inſtructed their Repreſentatives to endeavour,

deavour, that enquiry ſhould be made by the Aſſembly whether any perſon by writing or in any other way, had encouraged the ſending troops here, there being ſome alarming reports that troops are expected, but have not taken any meaſures to diſcountenance the promoters of the late proceedings; but, on the contrary, appointed one or more of the actors or abettors on a committee appointed to wait on the Governor, and to deſire him to order the man of war out of the harbour.

Ignorant as they be, yet the heads of a Boſton town-meeting, influence all public meaſures.

It is not poſſible this anarchy ſhould laſt always. Mr. Hallowell, who will be the bearer of this, tells me he has the honour of being perſonally known to you. I beg leave to refer you to him for a more full account.

I am, with great eſteem, Sir,

Your moſt humble and obedient ſervant,

THO. HUTCHINSON.

SIR, *Boſton, Auguſt* 1768.

IT is very neceſſary other information ſhould be had in England of the preſent ſtate of the commiſſioners of the cuſtoms than what common fame will bring to you, or what you will receive from moſt of the letters which go from hence,

people in general being prejudiced by many falſe reports and miſrepreſentations concerning them. Seven eighths of the people of the country ſuppoſe the board itſelf to be unconſtitutional, and cannot be undeceived and brought to believe that a board has exiſted in England all this century, and that the board eſtabliſhed here has no new powers given to it. Our incendiaries know it, but they induſtriouſly and very wickedly publiſh the contrary. As much pains have been taken to prejudice the country againſt the perſons of the Commiſſioners, and their characters have been miſrepreſented and cruelly treated, eſpecially ſince their confinement at the Caſtle, where they are not ſo likely to hear what is ſaid of them, and are not ſo able to confute it.

It is now pretended they need not to have withdrawn, that Mr. Williams had ſtood his ground without any injury, although the mob beſet his houſe, &c. There never was that ſpirit raiſed againſt the under officers as againſt the Commiſſioners, I mean four of them. They had a public affront offered them by the town of Boſton, who refuſed to give the uſe of their hall for a public dinner, unleſs it was ſtipulated that the Commiſſioners ſhould not be invited. An affront of the ſame nature at the motion of Mr. Hancock was offered by a company of cadets. Soon after a veſſel of Mr. Hancock's being

ſeized,

ſeized, the officers were mobb'd, and the Commiſſioners were informed they were threatened. I own I was in pain for them. I do not believe if the mob had ſeized them, there was any authority able and willing to have reſcued them. After they had withdrawn, the town ſignified to the Governor by a meſſage that it was expected or deſired they ſhould not return. It was then the general voice that it would not be ſafe for them to return. After all this, the ſons of liberty ſay they deſerted or abdicated.

The other officers of the cuſtoms in general either did not leave the town, or ſoon returned to it. Some of them ſeem to be diſcontented with the Commiſſioners. Great pains have been taken to increaſe the diſcontent. Their office by theſe means is rendered extremely burdenſome. Every thing they do is found fault with, and yet no particular illegality or even irregularity mentioned. There is too much hauteur, ſome of their officers ſay, in the treatment they receive. They ſay, they treat their officers as the Commiſſioners treat their officers in England, and require no greater deference. After all, it is not the perſons, but the office of the Commiſſioners which has raiſed this ſpirit, and the diſtinction made between the Commiſſioners, is becauſe it has been given out that four of them were in favour of the new eſtabliſhment, and the fifth

was not.* If Mr. Hallowell arrived ſafe, he can inform you many circumſtances relative to this diſtinction, which I very willingly excuſe myſelf from mentioning.

I know of no burden brought upon the fair trader by the new eſtabliſhment. The illicit trader finds the riſk greater than it uſed to be, eſpecially in the port where the board is conſtantly held. Another circumſtance which increaſes the prejudice is this; the new duties happened to take place juſt about the time the Commiſſioners arrived. People have abſurdly connected the duties and Board of Commiſſioners, and ſuppoſe we ſhould have had no additional duties, if there had been no Board to have the charge of collecting them. With all the aid you can give to the officers of the crown, they will have enough to do to maintain the authority of government, and to carry the laws into execution. If they are diſcountenanced, neglected, or fail of ſupport from you, they muſt ſubmit to every thing the preſent oppoſers of government think fit to require of them.

There is no office under greater diſcouragements than that of the Commiſſioners. Some of my friends recommended me to the miniſtry. I think myſelf very happy that I am not one. Indeed it would have been incompatible with my poſt as chief juſtice, and I muſt have declined it,

it, and I ſhould do it although no greater ſalary had been affixed to the chief juſtice's place, than the ſmall pittance allowed by the province.

From my acquaintance with the Commiſſioners I have conceived a perſonal eſteem for them, but my chief inducement to make this repreſentation to you, is a regard to the public intereſt, which I am ſure will ſuffer if the oppoſition carry their point againſt them.

I am, with very great eſteem, Sir,
Your moſt obedient humble ſervant,
THO. HUTCHINSON.

Auguſt 10. Yeſterday at a meeting of the merchants, it was agreed by all preſent to give no more orders for goods from England, nor receive any on commiſſion until the late acts are repealed. And it is ſaid all except ſixteen in the town have ſubſcribed an engagement to that tenor. I hope the ſubſcription will be printed, that I may tranſmit it to you.

DEAR SIR, *Boſton, October* 4, 1768.

I WAS abſent upon one of our circuits when Mr. Byles arrived. Since my return, I have received from him your obliging letter of 31ſt July. I never dared to think what the reſentment of the nation would be upon Hallowell's arrival. It is not ſtrange that meaſures ſhould

be immediately taken to reduce the colonies to their former ſtate of government and order, but that the national funds ſhould be affected by it, is to me a little myſterious and ſurprizing. Principles of government abſurd enough ſpread thro' all the colonies; but I cannot think that in any colony, people of any conſideration have ever been ſo mad as to think of a revolt. Many of the common people have been in a frenzy, and talked of dying in defence of their liberties, and have ſpoke and printed what is highly criminal, and too many of rank above the vulgar, and ſome in public poſts have countenanced and encouraged them, until they increaſed ſo much in their numbers, and in their opinion of their importance, as to ſubmit to government no further than they thought proper. The legiſlative powers have been influenced by them, and the executive powers intirely loſt their force. There has been continual danger of mobs and inſurrections, but they would have ſpent all their force within ourſelves, the officers of the Crown, and ſome of the few friends who dared to ſtand by them, poſſibly might have been knock'd on the head, and ſome ſuch fatal event would probably have brought the people to their ſenſes. For four or five weeks paſt the diſtemper has been growing, and I confeſs I have not been without ſome apprehenſions for myſelf, but my friends

friends have had more for me; and I have had repeated and frequent notices from them from different quarters, one of the laſt I will incloſe to you *. In this ſtate of things, there was no ſecurity, but quitting my poſts, which nothing but the laſt extremity would juſtify. As Chief Juſtice, for two years after our firſt diſorders, I kept the grand juries tolerably well to their duty. The laſt ſpring, there had been ſeveral riots, and a moſt infamous libel had been publiſhed in one of the papers, which I enlarged upon, and the grand jury had determined to make preſentments, but the Attorney-General not attending them the firſt day, Otis and his creatures, who were alarmed and frightned, exerted themſelves the next day, and prevailed upon ſo many of the jury to change their voices, that there was not a ſufficient number left to find a bill. They have been ever ſince more enraged againſt me than ever. At the deſire of the Governor I committed to writing the charge while it lay in my memory, and as I have no further uſe for it, I will incloſe it, as it may give you ſome idea of our judicatories.

Whilſt we were in this ſtate, news came of two regiments being ordered from Halifax, and ſoon after two more from Ireland. The minds of

* See the following Letter.

of people were more and more agitated, broad hints were given, that the troops ſhould never land, a barrel of tar was placed upon the beacon, in the night to be fired, to bring in the country when the troops appeared, and all the authority of the government was not ſtrong enough to remove it. The town of Boſton met and paſſed a number of weak, but very criminal votes; and as the Governor declined calling an Aſſembly, they ſent circular letters to all the towns and diſtricts to ſend a perſon each that there might be a general conſultation at ſo extraordinary a criſis. They met and ſpent a week, made themſelves ridiculous, and then diſſolved themſelves, after a meſſage or two to the Governor, which he refuſed to receive; a petition to the King, which I dare ſay their agent will never be allowed to preſent, and a reſult which they have publiſhed ill-natured and impotent.

In this confuſion the troops from Halifax arrived. I never was much afraid of the people's taking arms, but I was apprehenſive of violence from the mob, it being their laſt chance before the troops could land. As the proſpect of revenge became more certain, their courage abated in proportion. Two regiments are landed, but a new grievance is now raiſed. The troops are by act of parliament to be quartered no where elſe but in the barracks, until they are full.

There are barracks enough at the Caſtle to hold both regiments. It is therefore againſt the Act to bring any of them into the town. This was ſtarted by the Council in their anſwer to the Governor, which, to make themſelves popular, they in an unprecedented way publiſhed and have alarmed all the province; for although none but the moſt contracted minds could put ſuch a conſtruction upon the act, yet after this declaration of the Council nine-tenths of the people ſuppoſe it juſt. I wiſh the act had been better expreſs'd, but it is abſurd to ſuppoſe the parliament intended to take from the King the direction of his forces, by confining them to a place where any of the colonies might think fit to build barracks. It is beſides ungrateful, for it is known to many that this proviſion was brought into the bill after it had been framed without it, from meer favour to the colonies. I hear the Commander in Chief has provided barracks or quarters, but a doubt ſtill remains with ſome of the Council, whether they are to furniſh the articles required, unleſs the men are in the province barracks, and they are to determine upon it to-day.

The government has been ſo long in the hands of the populace, that it muſt come out of them by degrees, at leaſt it will be a work of time to bring the people back to juſt notions of the nature of government.

Mr.

Mr. Pepperrell, a young gentleman of good character, and grandſon and principal heir to the late Sir William Pepperrell, being bound to London, I ſhall deliver this letter to him, as it will be too bulky for poſtage, and deſire him to wait upon you with it.

I am, with very great eſteem, Sir,
Your moſt humble and moſt obedient ſervant,
THO. HUTCHINSON.

SIR,

THE great eſteem I have for you in every point of light, perhaps renders my fears and doubts for the ſafety of your perſon greater than they ought to be; however if that is an error, it certainly reſults from true friendſhip, naturally jealous. Laſt night I was informed by a gentleman of my acquaintance, who had his information from one intimate with and knowing to the infernal purpoſes of the ſons of liberty, as they falſely ſtile themſelves, that he verily believed, from the terrible threats and menaces by thoſe Catilines againſt you, that your life is greatly in danger. This informant, I know, is under obligations to you, and is a man of veracity. He expreſs'd himſelf with concern for you, and the gentleman acquainting me with this horrid circumſtance, aſſured me he was very

uneaſy

uneaſy till you had notice. I ſhould have done myſelf the honour of waiting on you, but am neceſſarily prevented. The duty I owed to you as a friend, and to the public as a member of ſociety, would not ſuffer me to reſt till I had put your honour upon your guard; for though this may be a falſe alarm, nothing would have given me greater pain, if any accident had happened, and I had been ſilent. If poſſible, I will ſee you to-morrow, and let you know further into this black affair. And am, with the ſincereſt friendſhip and reſpect, your Honour's

Moſt obedient, and moſt humble ſervant,

ROB. AUCHMUTY.

To the hon'ble Thomas Hutchinſon,
Sept. 14, 1768.

DEAR SIR, *Boſton, Dec.* 10, 1768.

I AM juſt now informed that a number of the Council, perhaps eight or ten, who live in and near this town, have met together and agreed upon a long addreſs or petition to Parliament, and that it will be ſent by this ſhip to Mr. Bollan to be preſented. Mr. Danforth, who is Preſident of the Council, told the Governor, upon enquiry, that it was ſent to him to ſign, and he ſuppoſed the reſt of the Council

who had met together, would ſign after him in order; but he had ſince found that they had wrote over his name, by order of Council, which makes it appear to be an act of Council. This may be a low piece of cunning in him, but be it as it may, it is proper it ſhould be known, that the whole is no more than the doings of a part of the Council only; although even that is not very material, ſince, if they had all been preſent, without the Governor's ſummons, the meeting would have been irregular and unconſtitutional, and ought to be diſcountenanced and cenſured. I ſuppoſe there is no inſtance of the Privy Council's meeting and doing buſineſs without the King's preſence or ſpecial direction, except in committees upon ſuch buſineſs as by his Majeſty's order has been referred to them by an act of Council; and I have known no inſtance here without the Governor, until within three or four months paſt.

I thought it very neceſſary the circumſtances of this proceeding ſhould be known, though if there be no neceſſity for it, I think it would be beſt it ſhould not be known that the intelligence comes from me. I am, with very great regard,

Sir,

Your moſt humble and moſt obedient ſervant,

THO. HUTCHINSON.

DEAR SIR, *Boſton, Jan.* 20, 1769.

YOU have laid me under very great obligations by the very clear and full account of proceedings in Parliament, which I received from you by Capt. Scott. You have alſo done much ſervice to the people of the province. For a day or two after the ſhip arrived, the enemies of government gave out that their friends in Parliament were increaſing, and all things would be ſoon on the old footing; in other words, that all acts impoſing duties would be repealed, the Commiſſioners board diſſolved, the cuſtoms put on the old footing, and *illicit* trade be carried on with little or no hazard. It was very fortunate that I had it in my power to prevent ſuch a falſe repreſentation from ſpreading through the province. I have been very cautious of uſing your name, but I have been very free in publiſhing abroad the ſubſtance of your letter, and declaring that I had my intelligence from the beſt authority, and have in a great meaſure defeated the ill deſign in raiſing and attempting to ſpread ſo groundleſs a report. What marks of reſentment the Parliament will ſhow, whether they will be upon the province in general, or particular perſons, is extremely uncertain, but that they will be placed ſomewhere is moſt certain, and I add, becauſe I think it ought to be ſo, that thoſe who have

have been moſt ſteady in preſerving the conſtitution and oppoſing the licentiouſneſs of ſuch as call themſelves Sons of Liberty, will certainly meet with favour and encouragement.

This is moſt certainly a criſis. I really wiſh that there may not have been the leaſt degree of ſeverity beyond what is abſolutely neceſſary to maintain, I think I may ſay to you the dependance which a colony ought to have upon the parent ſtate; but if no meaſures ſhall have been taken to ſecure this dependance, or nothing more than ſome declaratory acts or reſolves, it is all over with us. The friends of government will be utterly diſheartened, and the friends of anarchy will be afraid of nothing, be it ever ſo extravagant.

The laſt veſſel from London had a quick paſſage. We expect to be in ſuſpence for the three or four next weeks, and then to hear our fate. I never think of the meaſures neceſſary for the peace and good order of the colonies without pain. There muſt be an abridgment of what are called Engliſh liberties. I relieve myſelf by conſidering that in a remove from the ſtate of nature to the moſt perfect ſtate of government, there muſt be a great reſtraint of natural liberty. I doubt whether it is poſſible to project a ſyſtem of government in which a colony 3000 miles diſtant from the parent ſtate ſhall enjoy all the liberty

liberty of the parent ſtate. I am certain I have never yet ſeen the projection. I wiſh the good of the colony when I wiſh to ſee ſome further reſtraint of liberty, rather than the connexion with the parent ſtate ſhould be broken; for I am ſure ſuch a breach muſt prove the ruin of the colony. Pardon me this excurſion, it really proceeds from the ſtate of mind into which our perplexed affairs often throws me.

I have the honour to be, with very great eſteem, Sir, your moſt humble and moſt obedient ſervant,

THO. HUTCHINSON.

DEAR SIR, *Boſton, October* 26, 1769.

I THANK you for your laſt favour of July 18th. I fancy in my laſt to you, about two months ago, I have anſwered the greateſt part of it.

My opinion upon the combination of the merchants, I gave you very fully. How long they will be able to continue them if Parliament ſhould not interpoſe, is uncertain. In moſt articles they may another year, and you run the riſque of their ſubſtituting, when they are put to their ſhifts, ſomething of their own in the place of what they uſed to have from you, and which they will never return to you for. But it is not

poſſible that proviſion for diſſolving theſe combinations, and ſubjecting all who do not renounce them to penalties adequate to the offence, ſhould not be made the firſt week the parliament meets. Certainly all parties will unite in ſo extraordinary a caſe, if they never do in any other. So much has been ſaid upon the repeal of the duties laid by the laſt act, that it will render it very difficult to keep people's minds quiet, if that ſhould be refuſed them. They deſerve puniſhment, you will ſay; but laying or continuing taxes upon all cannot be thought equal, ſeeing many will be puniſhed who are not offenders. Penalties of another kind ſeem better adapted.

I have been tolerably treated ſince the Governor's departure, no other charge being made againſt me in our ſcandalous news-papers, except my bad principles in matters of government; and this charge has had little effect, and a great many friends promiſe me ſupport.

I muſt beg the favour of you to keep ſecret every thing I write, until we are in a more ſettled ſtate, for the party here, either by their agent, or by ſome of their emiſſaries in London, have ſent them every report or rumour of the contents of letters wrote from hence. I hope we ſhall ſee better times both here and in England. I am, with great eſteem,

Sir, your moſt obedient ſervant,

THO. HUTCHINSON.

SIR, *Boſton, May 7, 1767.*

I AM indebted to you for the obliging manner in which you received my recommendation of my good friend Mr. Paxton, as well as for the account you are pleaſed to ſend me of the ſituation of affairs in the mother country.

I am very ſorry that the colonies give you ſo much employment, and it is impoſſible to ſay how long it will be before things ſettle into quiet among us. We have ſome here who have been ſo buſy in fomenting the late diſturbances, that they may now think it needful for their own ſecurity to keep up the ſpirit. They have plumed themſelves much upon the victory they have gained, and the ſupport they have ſince met with; nor could any thing better ſhew what they would ſtill be at, than the manner in which, by their own account publiſhed in the news-papers laſt Auguſt, they celebrated the 14th of that month, as the firſt anniverſary commemoration of what they had done at the tree of Liberty on that day the year before. Here a number of reſpectable gentlemen as they inform us, now met, and among other toaſts drank General Paoli, and the ſpark of liberty kindled in Spain. I am now ſpeaking of a few individuals only, the body of the people are well diſpoſed; yet when you come to ſee the journal of the Houſe of Repreſentatives the laſt ſeſſion, I fear you will

think that the ſame ſpirit has ſeized our public counſels. I can, however, fairly ſay thus much in behalf of the government, that the laſt houſe was packed by means of a public proſcription juſt before the election, of the greateſt part of thoſe who had appeared in the preceding ſeſſion in the ſupport of government: their names were publiſhed in an inflammatory news-paper, and their conſtituents made to believe they were about to ſell them for ſlaves. Writs are now out for a new Aſſembly, but I cannot anſwer for the choice: I hope, however, that the people in general are in a better temper; yet the moderate men have been ſo brow-beaten in the Houſe, and found themſelves ſo inſignificant there the laſt year, that ſome of them will voluntarily decline coming again. I think this looks too much like a deſpair of the common-wealth, and cannot be juſtified on patriotic principles.

The election of Counſellors was carried the laſt year as might have been expected from ſuch an houſe. The officers of the crown, and the judges of the ſuperior court were excluded. And I hear that it is the deſign of ſome, who expect to be returned members of the houſe this year, to make ſure work at the enſuing election of Counſellors, by excluding, if they can, the gentlemen of the Council (who by charter remain ſuch till others are choſen in their room)

room) from any ſhare in the choice, though they have always had their voice in it hitherto from the firſt arrival of the charter. If the houſe do this, they will have it in their power to model the Council as they pleaſe, and throw all the powers of government into the hands of the people, unleſs the Governor ſhould again exert his negative as he did the laſt year.

You have doubtleſs ſeen ſome of the curious meſſages from the late houſe to the Governor, and can't but have obſerved with how little decency they have attacked both the Governor and the Lieutenant Governor. They have alſo in effect forced the Council to declare themſelves parties in the quarrel they had againſt the latter in a matter of mere indifference. In their meſſage to the Governor of the 21ſt of January, they have explicitly charged the Lieutenant Governor (a gentleman to whom they are more indebted than to any one man in the government) with "ambition and luſt of power," merely for paying a compliment to the Governor agreeable to ancient uſage, by attending him to court, and being preſent in the council-chamber when he made his ſpeech at the opening of the ſeſſion; at which time they go on to ſay, "none but the general court and their ſervants are intended to be preſent," ſtill holding out to the people the ſervants of the crown as objects of inſignificance,

ranking the Secretary with their door-keeper, as ſervants of the Aſſembly; for the Secretary with his clerks and the door-keeper are the only perſons preſent with the Aſſembly on theſe occaſions.

The officers of the crown being thus leſſen'd in the eyes of the people, takes off their weight and influence, and the balance will of courſe turn in favour of the people, and what makes them ſtill more inſignificant is their dependance on the people for a neceſſary ſupport: If ſomething were left to the goodwill of the people, yet nature ſhould be ſure of a ſupport. The Governor's ſalary has for about thirty-five years paſt been pretty well underſtood to be £. 1000 a year ſterling. When this ſum was firſt agreed to, it was very well; but an increaſe of wealth ſince has brought along with it an increaſe of luxury, ſo that what was ſufficient to keep up a proper diſtinction and ſupport the dignity of a Governor then, may well be ſuppoſed to be inſufficient for the purpoſe now. The Lieutenant Governor has no appointments as ſuch: the Captaincy of Caſtle-William, which may be worth £. 120 ſterling a year, is looked upon indeed as an appendage to his commiſſion, and the late Lieutenant Governor enjoyed no other appointment: he lived a retired life upon his own eſtate in the country, and was eaſy. The

preſent

preſent Lieutenant Governor indeed has other appointments, but the people are quarrelling with him for it, and will not ſuffer him to be eaſy unleſs he will retire alſo.

The Secretary may have ſomething more than £. 200 a year ſterling, but has for the two laſt years been allowed £. 60 lawful money a year leſs than had been uſual for divers years preceding, though he had convinced the houſe by their Committee, that without this deduction he would have had no more than £. 250 ſterling per annum in fees, perquiſites and ſalary altogether, which is not the one half of his annual expence.

The crown did by charter reſerve to itſelf the appointment of a Governor, Lieutenant Governor and Secretary: the deſign of this was without doubt to maintain ſome kind of balance between the powers of the crown and of the people; but, if officers are not in ſome meaſure independent of the people (for it is difficult to ſerve two maſters) they will ſometimes have a hard ſtruggle between duty to the crown and a regard to ſelf, which muſt be a very diſagreeable ſituation to them, as well as a weakening to the authority of government. The officers of the crown are very few, and are therefore the more eaſily provided for without burdening the people:

and ſuch proviſion I look upon as neceſſary to the reſtoration and ſupport of the King's authority.

But it may be ſaid, How can any new meaſures be taken without raiſing new diſturbances? The manufacturers in England will riſe again and defeat the meaſures of government. This game, 'tis true, has been played once and ſucceeded, and it has been aſſerted here, that it is in the power of the colonies at any time to raiſe a rebellion in England, by refuſing to ſend for their manufactures. For my own part, I do not believe this. The merchants in England, and I don't know but thoſe in London and Briſtol only, might always govern in this matter and quiet the manufacturer. The merchant's view is always to his own intereſt. As the trade is now managed, the dealer here ſends to the merchant in England for his goods, upon theſe goods the Engliſh merchant puts a profit of 10 or more, probably 15 per cent. when he ſends them to his employer in America. The merchant is ſo jealous of foregoing this profit, that an American trader cannot well purchaſe the goods he wants of the manufacturer; for ſhould the merchant know that the manufacturer had ſupplied an American, he would take off no more of his wares. The merchants therefore having this profit in view will by one means or other ſecure it. They know the goods which the

American

American market demands, and may therefore ſafely take them off from the manufacturer, tho' they ſhould have no orders for ſhipping them this year or perhaps the next; and I dare ſay, it would not be longer before the Americans would clamour for a ſupply of goods from England, for it is vain to think they can ſupply themſelves. The merchant might then put an advanced price upon his goods, and poſſibly be able to make his own terms; or if it ſhould be thought the goods would not bear an advanced price to indemnify him, it might be worth while for the government to agree with the merchants before hand to allow them a premium equivalent to the advance of their ſtock, and then the game would be over.

I have wrote with freedom, in confidence of my name's not being uſed on the occaſion. For though I have wrote nothing but what in my conſcience I think an American may upon juſt principles advance, and what a ſervant of the Crown ought upon all proper occaſions to ſuggeſt, yet the many prejudices I have to combat with, may render it unfit it ſhould be made public.

I communicated to Governor Bernard what you mentioned concerning him, who deſires me to preſent you his compliments, and let you know

know that he is obliged to you for the expreſſions of your regard for his injured character.

I am, with great reſpect, Sir,
Your moſt obedient and moſt humble ſervant,
ANDREW OLIVER.

I aſk your acceptance of a journal of the laſt ſeſſion, which is put up in a box directed to the Secretary of the Board of trade.

SIR, *Boſton, May* 11, 1768.

I AM this moment favoured with your very obliging letter by Capt. Jarvis, of the 2d March, which I have but juſt time to acknowledge, as this is the day given out for the ſhip to ſail. I wrote you the 23d of February in reply to your letter of the 28th December; that of the 12th February which you refer to in this of the 2d of March is not yet come to hand. You lay me, Sir, under the greateſt obligations, as well for the intereſting account of public affairs, which you are from time to time pleaſed to tranſmit me, as for your ſteady attention to my private concerns. I ſhall always have the moſt grateful ſenſe of Mr. Grenville's intentions of favour alſo, whether I ever reap any benefit from them or not. Without a proper ſupport afforded to the king's officers, the reſpect due to government will of courſe fail; yet I cannot ſay whether

whether under the preſent circumſtances, and conſidering the temper the people are now in, an additional proviſion for me would be of real benefit to me perſonally or not. It has been given out, that no perſon, who receives a ſtipend from the government at home, ſhall live in the country. Government here wants ſome effectual ſupport: No ſooner was it known, that the Lieutenant Governor had a proviſion of £. 200 a year made for him out of the revenue, than he was adviſed in the Boſton Gazette to reſign all pretenſions to a ſeat in council, either with or without a voice. The temper of the people may be ſurely learnt from that infamous paper; it is the very thing that forms their temper; for if they are not in the temper of the writer at the time of the publication, yet it is looked upon as the ORACLE, and they ſoon bring their temper to it. Some of the lateſt of them are very expreſſive; I will not trouble you with ſending them, as I imagine they ſome how or other find their way to you: But I cannot but apprehend from theſe papers and from hints that are thrown out, that if the petition of the Houſe to his Majeſty, and their letters to divers noble Lords ſhould fail of ſucceſs, ſome people will be mad enough to go to extremities. The commiſſioners of the cuſtoms have already been openly affronted, the Governor's company of Cadets have

come to a reſolution not to wait on him (as uſual) on the day of General Election, the 25th inſtant, if thoſe gentlemen are of the company. And the Town of Boſton have paſſed a Vote that Faneuil-Hall (in which the Governor and his company uſually dine on that day) ſhall not be opened to him, if the Commiſſioners are invited to dine with him. A liſt of Counſellors has within a few days paſt been printed and diſperſed by way of ſneer on Lord Shelburne's letter, made up of King's officers; which liſt, the writer ſays, if adopted at the next general election, may take away all grounds of complaint, and may poſſibly prove a healing and a very ſalutary meaſure. The Lieutenant Governor is at the head of this liſt, they have done me the honour to put me next; the Commiſſioners of the Cuſtoms are all in the liſt except Mr. Temple, and to compleat the liſt, they have added ſome of the waiters. I never thought 'till very lately that they acted upon any ſettled plan, nor do I now think they have 'till of late; a few, a very few, among us have planned the preſent meaſures, and the government has been too weak to ſubdue their turbulent ſpirits. Our ſituation is not rightly known: but it is a matter worthy of the moſt ſerious attention.

I am, with the greateſt reſpect, Sir,
Your moſt obedient and moſt humble ſervant,
ANDREW OLIVER.

I ſhall take proper care to forward your Letter to Mr. Ingerſol. He had received your laſt.

SIR, *Boſton, February* 13, 1769.

I HAVE your very obliging favour of the 4th of October. I find myſelf conſtrained as well by this letter as by my ſon and daughter Spooner's letters ſince, to render you my moſt ſincere thanks for the very polite notice you have taken of them; and I pray my moſt reſpectful compliments to the good lady your mother, whoſe friendly reception of them at Nonſuch has, I find, engaged their warmeſt eſteem and reſpect—He hath wrote us that he had a proſpect of ſucceeding in the buſineſs he went upon; but the laſt letter we had was from her of the 23d of November, acquainting us that he had been very ill, but was getting better. She writes as a perſon overcome with a ſenſe of the kindneſs they had met with, in a place where they were ſtrangers, on this trying occaſion.

You have heard of the arrival of the King's troops; the quiet reception they met with among us was not at all ſurprizing to me.—I am ſorry there was any occaſion for ſending them.—From the addreſs of the Gentlemen of the Council to General Gage, it might be ſuppoſed there was

none. I have ſeen a letter from our friend Ingerſoll with this paraphraſe upon it—"We hope that your Excellency obſerving with your own eyes now the troops are among us, our peaceable and quiet behaviour, will be convinced that that wicked G——r B——d told a fib in ſaying, We were not ſo before they came."

I have given you the ſenſe of a ſtranger on a ſingle paragraph of this addreſs, becauſe I ſuſpected my own opinion of it, 'till I found it thus confirm'd—If you have the news-papers containing the addreſs, your own good ſenſe will lead you to make ſome other remarks upon it, as well as to trace the influence under which it ſeems to have been penned. The diſturbers of our peace take great advantage of ſuch aids, from people in office and power—The Lieutenant Governor has communicated to me your letter containing an account of the debates in parliament, on the firſt day of the ſeſſion: We ſoon expect their deciſion on American affairs, ſome I doubt not with fear and trembling—Yet I have very lately had occaſion to know, that be the determination of parliament what it will, it is the determination of ſome to agree to no terms, that ſhall remove us from our old foundation. This confirms me in an opinion, that I have taken up a long time ſince, that if there be no way to take off the original incendiaries,

they

they will continue to inſtill their poiſon into the minds of the people, through the vehicle of the BOSTON GAZETTE.

In your letter to the Lieutenant Governor, you obſerve upon two defects in our conſtitution, the popular election of the Council, and the return of Juries by the Towns. The firſt of theſe ariſes from the Charter itſelf; the latter from our provincial Laws. The method of appointing our Grand Juries lies open to management. Whoever pleaſes, nominates them at our town-meetings; by this means one who was ſuppos'd to be a principal in the Riots of the 10th of June laſt, was upon that Jury, whoſe buſineſs it was to inquire into them: But the provincial legiſlature hath made ſufficient proviſion for the return of Petit Juries by their act of 23d Geo. 2d, which requires the ſeveral towns to take liſts of all perſons liable by law to ſerve, and forming them into two claſſes, put their names written on ſeparate papers into two different boxes, one for the ſuperior court, and the other for the inferior: And when venires are iſſued, the number therein required are to be drawn out in open town-meeting, no perſon to ſerve oftener than once in three years.—The method of appointing Grand Juries appears indeed defective; but if the other is not, it may be imputed to the times rather than to the defect of the

the laws—that neither the Grand Juries nor the Petit Juries have of late anſwered the expectations of government.

As to the appointment of the Council, I am of opinion that neither the popular elections in this province, nor their appointment in what are called the royal governments by the King's mandamus, are free from exceptions, eſpecially if the Council as a legiſlative body is intended to anſwer the idea of the Houſe of Lords in the Britiſh legiſlature. There they are ſuppos'd to be a free and independent body, and on their being ſuch, the ſtrength and firmneſs of the conſtitution does very much depend: whereas the election or appointment of the Councils in the manner before-mentioned renders them altogether dependent on their conſtituents. The King is the fountain of honour, and as ſuch the peers of the realm derive their honours from him; but then they hold them by a ſurer tenure than the provincial Counſellors, who are appointed by mandamus. On the other hand, our popular elections very often expoſe them to contempt; for nothing is more common, than for the repreſentatives, when they find the Council a little untractable at the cloſe of the year, to remind them that May is at hand.

It may be accounted by the colonies as dangerous to admit of any alterations in their charters,

charters, as it is by the Governors in the church to make any in the eſtabliſhment; yet to make the reſemblance as near as may be to the Britiſh Parliament, ſome alteration is neceſſary.

It is not requiſite, that I know of, that a Counſellor ſhould be a Freeholder; his reſidence according to the charter is a ſufficient qualification; for that provides only, that he be an inhabitant of or proprietor of lands within the diſtrict for which he is choſen: whereas the Peers of the realm ſit in the Houſe of Lords, as I take it, in virtue of their baronies. If there ſhould be a reform of any of the colony charters, with a view to keep up the reſemblance of the three eſtates in England, the legiſlative Council ſhould conſiſt of men of landed eſtates; but as our landed eſtates here are ſmall at preſent, the yearly value of £. 100 ſterling per annum, might in ſome of them at leaſt be a ſufficient qualification. As our eſtates are partable after the deceaſe of the proprietor, the honour could not be continued in families as in England: It might however be continued in the appointee *quam diu bene ſe geſſerit*, and proof be required of ſome mal-practice before a ſuſpenſion or removal. Bankruptcy alſo might be another ground for removal. A ſmall legiſlative Council might anſwer the purpoſes of government; but it might tend to weaken that levelling principle,

which is cherish'd by the present popular constitution, to have an honorary order establish'd, out of which the Council shou'd be appointed. There is no way now to put a man of fortune above the common level, and exempt him from being chosen by the people into the lower offices, but his being appointed a Justice of the Peace; this is frequently done, when there is no kind of expectation of his undertaking the trust, and has its inconveniences. For remedy hereof it might be expedient to have an order of Patricians or Esquires instituted, to be all men of fortune or good landed estates, and appointed by the Governor with the advice of Council, and enroll'd in the Secretary's office, who shou'd be exempted from the lower offices in government, as the justices now are; and to have the legislative Council (which in the first instance might be nominated by the Crown) from time to time fill'd up, as vacancies happen, out of this order of men, who, if the order consisted only of men of landed estates, might elect, as the Scottish Peers do, only reserving to the King's Governor, a negative on such choice. The King in this case wou'd be still acknowledged as the fountain of honour, as having, in the first instance, the appointment of the persons enroll'd, out of whom the Council are to be chosen, and finally having a negative on the choice. Or, the King might

might have the immediate appointment by mandamus, as at preſent in the royal government. As the gentlemen of the Council would rank above the body from which they are taken, they might bear a title one degree above that of Eſquire. Beſides this legiſlative Council, a privy Council might be eſtabliſh'd, to conſiſt of ſome or all of thoſe perſons who conſtitute the legiſlative Council, and of other perſons members of the Houſe of Repreſentatives, or otherwiſe of note or diſtinction, which wou'd extend the honours of government, and afford opportunity of diſtinguiſhing men of character and reputation, the expectation of which wou'd make government more reſpectable.

I wou'd not trouble you with theſe reveries of mine, were I not aſſured of your readineſs to forgive the communication, although you could apply it to no good purpoſe.

Mr. Spooner ſent me a pamphlet under a blank cover, intituled, "*the ſtate of the nation.*" I run over it by myſelf before I had heard any one mention it, and tho't I cou'd evidently mark the ſentiments of ſome of my friends. By what I have ſince heard and ſeen, it looks as if I was not miſtaken. Your right honourable friend I truſt will not be offended if I call him mine—I am ſure you will not when I term you ſuch—I have ſettled it for a long time in my

own mind, that without a repreſentation in the ſupreme legiſlature, there cannot be that union between the head and the members as to produce a healthful conſtitution of the whole body. I have doubted whether this union could be perfected by the firſt experiment. The plan here exhibited ſeems to be formed in generous and moderate principles, and bids the faireſt of any I have yet ſeen to be adopted. Such a great deſign may, as in painting, require frequent touching before it becomes a piece highly finiſh'd; and after all, may require the meliorating hand of time to make it pleaſe univerſally. Thus the Britiſh conſtitution, conſider'd as without the colonies, attain'd it's glory. The book I had ſent me is in ſuch requeſt, that I have not been able to keep it long enough by me, to conſider it in all its parts. I wiſh to hear how it is receiv'd in the Houſe of Commons. I find by the publications, both of Governor Pownall and Mr. Bollan, that they each of them adopt the idea of an union and repreſentation, and I think it muſt more and more prevail. The argument againſt it from local inconveniency, muſt, as it appears to me, be more than balanc'd by greater inconveniencies on the other ſide the queſtion: the great difficulty will be in the terms of union.—I add no more, as I fear I have already

already treſpaſs'd much on your time and patience, but that I am, Sir,

Your obliged and moſt obedient humble ſervant,

ANDREW OLIVER.

SIR, *New-York, Auguſt* 12, 1769.

I HAVE been in this city for ſome time paſt executing (with others) his Majeſty's commiſſion for ſettling the boundary between this province and that of New-Jerſey. I left Boſton the 11th July, ſince which, my advices from London have come to me very imperfect; but as my friend Mr. Thompſon writes me, that he had drawn up my caſe, and with your approbation laid it before the D. of Grafton, I think it needful once more to mention this buſineſs to you.

There was a time when I thought the authority of government might have been eaſily reſtored; but while it's friends and the officers of the crown are left to an abject dependance on [illegible] very people who are undermining it's authority; and while theſe are ſuffered not only to go unpuniſhed, but on the contrary, meet with all kind of ſupport and encouragement, it cannot be expected that you will ever again recover that reſpect, which the colonies had been wont

to pay to the parent ſtate. Government at home will deceive itſelf, if it imagines that the taking off the duty on glaſs, paper and painter's colours will work a reconciliation, and nothing more than this, as I can learn, is propoſed in Ld. H's late circular letter. It is the principle that is now diſputed; the combination againſt importation extends to tea, although it comes cheaper than ever, as well as to the other forementioned articles. In Virginia it is extended lately to wines; and I have heard one of the firſt leaders in theſe meaſures in Boſton ... that we ſhould never be upon a proper footing 'till all the revenue acts from the 15th Charles II. were repealed. Our Aſſembly in the Maſſachuſetts may have been more illiberal than others in their public meſſages and reſolves; yet we have ſome people among us ſtill who dare to ſpeak in favour of government: But here I do not find ſo much as one, unleſs it be ſome of the King's ſervants; and yet my buſineſs here leads me to aſſociate with the beſt. They univerſally approve of the combination againſt importing of goods from Great-Britain, unleſs the revenue acts are repealed, which appears to me little leſs than aſſuming a negative on all acts of parliament which they do not like! They ſay expreſly, we are bound by none made ſince our emigration, but ſuch as for our own convenience we chooſe

to

to ſubmit to; ſuch, for inſtance, as that for eſtabliſhing a poſt-office. The Bill of Rights and the Habeas Corpus Acts, they ſay, are only declaratory of common law, which we brought with us.

Under ſuch circumſtances as theſe, why ſhould I wiſh to expoſe myſelf to popular reſentment? Were I to receive any thing out of the revenue, I muſt expect to be abuſed for it. Nor do I find that our Chief Juſtice has received the £. 200 granted him for that ſervice; and yet the Aſſembly have this year withheld his uſual grant, moſt probably becauſe he has ſuch a warrant from the crown.

With regard to my negociations with Mr. Rogers, I did in conformity to your opinion make an apology to Mr. Secretary Pownall for mentioning it, and there ſubmitted it. I hear it has been ſince talk'd of; but unleſs I could be aſſured in one ſhape or other of £. 300 per annum, with the other office, I would not chuſe to quit what I have. I have no ambition to be diſtinguiſhed, if I am only to be held up as a mark of popular envy or reſentment. I was in hopes before now, through the intervention of your good offices, to have received ſome mark of favour from your good friend; but the time is not yet come to expect it through that channel! I will however rely on your friendſhip, when-

ever you can with propriety appear in forwarding my intereſt, or preventing any thing that may prove injurious to it.

If Mr. R. has intereſt enough to obtain the Secretary's place, I ſhall upon receiving proper ſecurity think myſelf in honour bound to ſecond his views, though I have none at preſent from him but a conditional note he formerly wrote me. If he is not like to ſucceed, and my ſon Daniel could have my place, I would be content, unleſs affairs take a different turn, to reſign in his favour, whether adminiſtration ſhould think proper to make any further proviſion for me or not. And yet I never thought of withdrawing myſelf from the ſervice, while there appeared to me any proſpect of my being able to promote it.

If I have wrote with freedom, I conſider I am writing to a friend, and that I am perfectly ſafe in opening myſelf to you.

I am, with great reſpect, Sir,

Your moſt obedient, humble ſervant,

ANDREW OLIVER.

DEAR SIR,

THE Commiſſioners of the Cuſtoms have met with every inſult ſince their arrival at Boſton, and at laſt have been obliged to ſeek protection on board his Majeſty's ſhip Romney: —Mr. Hallowell, the Comptroller of the cuſtoms, who will have the honour to deliver you this Letter, will inform you of many particulars; he is ſent by the Board with their letters to government. Unleſs we have immediately two or three regiments, 'tis the opinion of all the friends to government, that Boſton will be in open rebellion.

I have the honour to be, with the greateſt reſpect and warmeſt regard,

Dear Sir,

Your moſt faithful and obliged ſervant,

CHARLES PAXTON.

On board his Majeſty's Ship Romney,
Boſton Harbour, June 20, 1768.

MY DEAR SIR, *Boſton, Dec.* 12, 1768.

I Wrote you a few days ago, and did not then think of troubling you upon any private affair of mine, at leaſt not ſo ſuddenly; but within this day or two, I have had a converſation with Mr. Oliver, Secretary of the province, the deſign of which, was my ſucceeding

to the poſt he holds from the crown, upon the idea, that a vacancy would be made for Governor Bernard, and the Lieutenant Governor would ſucceed to the chair, then the Secretary is deſirous of being Lieutenant Governor, and if in any way three hundred pounds a year could be annexed to the appointment. You are ſenſible the appointment is in one department, and the grant in another; now the preſent Lieutenant Governor has an aſſignment of £. 200 a year upon the cuſtoms here; he has not received any thing from it as yet, and is doubtful if he ſhall; he has no doubt of its lapſe to the crown, if he has the chair; if then by any intereſt, that ſum could be aſſigned to Mr. Oliver as Lieutenant Governor, and if he ſhould be allowed (as has been uſual for all Lieutenant Governors) to hold the command of the caſtle, that would be another £ 100. This would compleat the Secretary's views; and he thinks his public ſervices, the injuries he has received in that ſervice, and the favourable ſentiments entertained of him by government, may lead him to theſe views, and he hopes for the intereſt of his friends. The place of Secretary is worth £. 300 a year, but is a provincial grant at preſent, ſo that it will not allow to be quartered on: And as I had view upon the place when I was in England, and went ſo far as to converſe with

ſeveral

ſeveral men of intereſt upon it, though I never had an opportunity to mention it to you after I recovered my illneſs—I hope you will allow me your influence, and by extending it at the Treaſury, to facilitate the aſſignment of the £. 200 a year; it will be ſerving the Secretary, and it will very much oblige me.——The Secretary is advanced in life, though much more ſo in health, which has been much impaired by the injuries he received, and he wiſhes to quit the more active ſcenes; he conſiders this as a kind of *otium cum dignitate*, and from merits one may think he has a claim to it. I will mention to you the gentlemen, who are acquainted with my views, and whoſe favourable approbation I have had. Governor Pownall, Mr. John Pownall, and Dr. Franklin.—My Lord Hillſborough is not unacquainted with it.—I have, ſince I have been here, wrote Mr. Jackſon upon the ſubject, and have by this veſſel wrote Mr. Mauduit. I think my character ſtands fair—I have not been without application to public affairs, and have acquired ſome knowledge of our provincial affairs, and notwithſtanding our many free converſations in England, I am conſidered here as on government ſide, for which I have been often traduced both publicly and privately, and very lately have had two or three ſlaps. The Governor and Lieu-

tenant Governor are fully acquainted with the negociation, and I meet their approbation; all is upon the idea the Governor is provided for, and there ſhall by any means be a vacancy of the Lieutenant Governor's place. I have gone ſo far, as to ſay to ſome of my friends, that rather than not ſucceed I would agree to pay the Secretary £. 100 a year out of the office, to make up £. 300, provided he could obtain only the aſſignment of £. 200 — but the other propoſal would, to be ſure, be moſt eligible. I ſcarce know any apology to make for troubling you upon the ſubject; the friendſhip you ſhewed me in London, and the favourable expreſſions you made uſe of to the Lieutenant Governor in my behalf, encourage me, beſides a ſort of egotiſm, which inclines men to think what they wiſh to be real. I ſubmit myſelf to the enquiries of any of my countrymen in England, but I ſhould wiſh the matter may be ſecret, 'till it is effected.

I am, with very great reſpect and regard, my dear Sir,

Your moſt obedient, and moſt humble ſervant,

NATH. ROGERS.

REMARKS

In Defence of the foregoing

LETTERS.

By ISRAEL MAUDUIT.

THESE are the Letters, upon which the Aſſembly have artfully been induced to paſs their cenſures, and have founded an Addreſs to remove his Majeſty's Governor and Lieutenant Governor. Unable to point out a ſingle action of the Governor's during his four years adminiſtration, they find themſelves under a neceſſity of recurring to letters, written before the time, when either of theſe Gentlemen were poſſeſſed of the offices which they now enjoy.

Upon the reviſal of them, I ſee ſtrong proofs of Mr. Hutchinſon's judgment and underſtanding, of his juſt notions of the intereſt of that country and of this, and of his fidelity and ſteady regard to the welfare of both: but am

at a loſs to find what there is in them, which can be a ground of blame; and much leſs warrant the very extraordinary cenſures, which have been paſſed on them. They are his private correſpondence with the late Mr. Thomas Whately, a private Gentleman in London: a Member of Parliament indeed, and one who had been Secretary to the Treaſury: but who was then out of place; and far from being connected with Government, during the whole time while theſe letters were writing, was voting in oppoſition. Being neither of them in trade, their letters did not contain bills or invoices, but they turned upon ſubjects which Gentlemen naturally write about to each other: the occurrences of the time, and the ſeveral public matters, which were tranſacting in the places where each of them reſided. The intelligences they contain may have come to hand ſomething earlier than thoſe by the common conveyance. But the facts themſelves were, ſoon after, all known to every man in this country as well as that.

They give an account of a riot at Boſton, upon the ſeizure of a ſmuggling veſſel belonging to Mr. Hancock, a principal ſupporter of the party, and one of the Committee appointed to the management of the cenſure paſſed upon theſe letters; but of this riot we all of us in

due

due time from our ſeveral correſpondents knew full as much as Mr. Whately did from his *.

The letters mention the combinations at Boſton againſt taking our goods: but is it a crime to write as news, what they wiſhed to have told to all the world? and printed in their newspapers for that very purpoſe, in order to bully our Miniſters, and frighten our Merchants and Manufacturers. They mention that upon the Governor's not judging it proper to call an Aſſembly at the will of the party leaders at Boſton, theſe townſmen took upon themſelves to write circular letters to all the towns and diſtricts, to ſend one perſon each to Boſton—And do we not all know that they did ſend ſuch ſummons? and that this Mock Aſſembly did meet? and did they not deſire that the world ſhould know it, and publiſh their reſolves for that purpoſe?

Theſe letters mention the need there is of the government's ſupporting and encouraging the

* In this riot, Mr. Harriſon, the Collector, an old Gentleman of an irreproachable character, and very reſpectable appearance, received a contuſion in his breaſt by a brick-bat, which was thrown at him; under the ill effects of which he languiſhed for more than twelve months, and probably might have been trampled to death, if his ſon and others had not reſcued him. This is what they called a Bruſh, or ſmall diſturbance with boys and negroes.

the officers of the crown in the faithful diſcharge of their duty—And had not the Houſe of Commons long before this determined the very ſame thing? and did they not addreſs his Majeſty, that he would ſo ſupport and countenance them? They mention the common people's having been worked up into a frenzy, and their having talked of dying in defence of their liberties—And have they not been perpetually publiſhing threatenings of the ſame ſort? and in all their papers ſounding the trumpet of mutiny and ſedition?

The letters ſay that many of rank above the vulgar, and ſome in public poſts, had encouraged this frenzy. And do theſe cenſurers pretend to ſay they were not in ſuch a ſtate of confuſion? Far from denying the truth of this account, the Committee of Council themſelves acknowledge that "the ſtate of things at this "time was greatly diſordered, but the great-"neſs of this diſorder they ſay aroſe from "other cauſes; which they there enumerate. Whether they or Mr. Hutchinſon were right in their judgment about the cauſes of theſe diſorders is immaterial to the preſent argument. Both acknowledge that there were diſorders. And had not Mr. Hutchinſon as good a right to give his opinion about the cauſes of them to a private correſpondent, as theſe gentlemen have openly

openly to traduce the Britiſh Government, and to ſay that they were owing to them?

With the relation of theſe facts, the letters mention the writer's ſentiments upon Government, and ſuch other ſubjects as occur: ſentiments which, as Mr. Hutchinſon juſtly obſerves, contain nothing reſpecting the conſtitution of the colonies, more than what is contained in his public ſpeeches to the Aſſembly. But whether they did or did not, will theſe ſons of liberty, as they affect to call themſelves, avow the poſition, that a Gentleman of Boſton ought not to write his opinions to his friend in London, unleſs thoſe opinions do exactly coincide with theirs? I ſay nothing of the moderation and good temper which appears in all theſe letters; for if they could have been ſtill more temperate, yet, while Mr. Hutchinſon ſtands in the way of the leaders of a faction, who can live by nothing but confuſion, they would have equally condemned them. They wanted nothing more than to get ſome letters under the Governor's hand; and whatever they were, they would have condemned them in the ſame manner as they do theſe, and have found that the deſign of them was to overthrow the Conſtitution, and to introduce arbitrary power into the province. Thus they have treated their former Governors; thus they have treated this; and, if Mr. Hutchinſon were to

die, in three months time they would treat his ſucceſſor in the ſame manner.

I might juſtly reſt the matter here; and appeal to every impartial reader, whether if his own private correſpondence ſhould, by any act of fraud or perfidy, happen to be betrayed, he would not feel himſelf happy to find, that his letters contained as many things, as theſe do, for his friends to commend, and ſo very few for the malice of his enemies to carp at. But as theſe men affect a mighty concern leſt Mr. Whately ſhould have ſhewed his letters to the King; and they might interrupt and "alienate "the affections of our moſt gracious Sovereign "King George the Third, from his loyal and "affectionate province; and deſtroy the har-"mony and good will between Great Britain "and that colony, which every friend to either "would wiſh to eſtabliſh:" and as the generality of people here, miſled by falſe repreſentations and feigned letters in news-papers, are but too apt to believe them, this makes it neceſſary to take off the maſk of hypocriſy, and to exhibit them in their own proper features. When the reader will himſelf ſee, that all theſe fearful apprehenſions of his Majeſty's diſpleaſure, and all theſe profeſſed deſires of harmony between Great Britain and the C[illegible]ony, are mere mockery,

and inſult; and that they really mean the direct contrary.

See, reader, the true ſtandard of their loyalty, extracted from the Journals of the laſt Houſe of Repreſentatives. The party had it not in their power to make a declaratory Act of Aſſembly, becauſe they knew that the Governor would not paſs it: but they paſſed the following declaratory reſolutions.

" *Mercurii, 3 die Martii, A. D. 1773.*

" The Houſe, according to order, entered into the conſideration of the report of the Committee appointed to conſider his Excellency's meſſage relative to the ſalaries of the Juſtices of the Superior Court; and thereupon the following reſolves were paſſed:

" Whereas by an act of the Britiſh Parliament, made and paſſed in the ſixth year of his preſent Majeſty's reign, it is declared, That the King, Lords and Commons in Parliament aſſembled have, ever had, and of right ought to have, full power and authority to make laws and ſtatutes of ſufficient force and validity, to bind the colonies and people of America, ſubjects of the Crown of Great Britain, in all caſes whatever; and afterwards the ſame Parliament made and paſſed an act for levying duties in America, with the expreſs purpoſe of raiſing a revenue,

" and to enable his Majeſty to appropriate the " ſame for the neceſſary charges of the admini- " ſtration of juſtice, and the ſupport of civil " government in ſuch colonies where it ſhall " be judged neceſſary, and towards further " defraying the expences of defending, pro- " tecting and ſecuring ſaid dominions: And " his Majeſty has been pleaſed, by virtue of " the ſame laſt mentioned act, to appropriate " a part of the revenue thus raiſed againſt the " conſent of the people, in providing for the " ſupport of the Governor of the province: " and from his Excellency's meſſage of the " 4th of February we cannot but conclude, " that proviſion is made for the ſupport of the " Judges of the Superior Court of Judicature, " independant of the grants and acts of the " General Aſſembly, contrary to the invariable " uſage of this province:" Therefore,

" RESOLVED, That the admitting any authority to make laws binding on the people of this province in all caſes whatſoever, ſaving the General Court or Aſſembly, is inconſiſtent with the ſpirit of our free conſtitution, and is repugnant to one of the moſt eſſential clauſes in our charter, whereby the inhabitants are entitled to all the liberties of free and natural born ſubjects, to all intents, conſtructions and purpoſes whatſoever, as if they had been born within the realm

realm of England. It reduces the people to the abſolute will and diſpoſal of a Legiſlature, in which they can have no voice, and who ma make it their intereſt to oppreſs and enſlave them.

" RESOLVED, That by the Royal Charter aforeſaid, ' the General Court or Aſ-' ſembly hath full power and authority to im-' poſe and levy proportionable and reaſonable ' aſſeſſments, rates, and taxes, upon the eſtates ' and perſons of all and every the proprietors ' and inhabitants of the province, to be iſſued ' and diſpoſed of by warrant, under the hand of ' the Governor, with the advice and conſent of ' the Council, for his Majeſty's ſervice in the ' neceſſary defence and ſupport of the govern-' ment of the province, and the protection and ' preſervation of the inhabitants there, accord-' ing to ſuch acts as are or ſhall be in force ' within the province.' And the making proviſion for the ſupport of the Governor and the Judges otherwiſe than by the grants and acts of the General Court or Aſſembly, is a violent breach of the aforeſaid moſt important clauſe in the charter: the ſupport of government, in which their ſupport is included, being one of the principal purpoſes for which the clauſe was inſerted.

" Whereas the independence as well as the uprightneſs of the Judges of the land is eſſential

to the impartial adminiſtration of juſtice, and one of the beſt ſecurities of the rights, liberties, and properties of the people,

" RESOLVED, therefore, That the making the Judges of the land independant of the grants of the people, and altogether dependant on the crown, as they will be, if while they thus hold their commiſſions during pleaſure, they accept of ſalaries from the crown, is unconſtitutional and deſtructive of that ſecurity, which every good member of civil ſociety has a juſt right to be aſſured of, under the due execution of the laws, and is directly the reverſe of the conſtitution and appointment of the Judges in Great-Britain.

" RESOLVED, That the dependance of the Judges of the land on the crown for their ſupport, tends at all times, eſpecially while they hold their commiſſions during pleaſure, to the ſubverſion of juſtice and equity, and to introduce oppreſſion and deſpotic power.

" RESOLVED, as the opinion of this Houſe, That while the Juſtices of the Superior Court hold their commiſſions during pleaſure, any one of them who ſhall accept of, and depend upon the pleaſure of the crown for his ſupport, independent of the grants and acts of the General Aſſembly, will diſcover to the world, that he has not a due ſenſe of ' the importance of an

' impartial

'impartial adminiſtration of juſtice, that he is 'an enemy to the conſtitution, and has it in his 'heart to promote the eſtabliſhment of an arbi-'trary government in the province.'

Reader,

After the peruſal of theſe reſolutions, what are all the things ſaid of theſe men in Mr. Hutchinſon's letters, compared with what they here ſay of themſelves? Or what is there in his mentioning ſome particular inſtances of their not paying a due obedience to the authority of government, compared with this open diſavowal of the whole? Yet the Committee, which drew up theſe reſolutions, conſiſted chiefly of the ſame individual men, with the Committee, which drew up the cenſure on theſe letters: And indeed they are the ſame ſet of men, whoſe names appear in all Committees of this ſort. Theſe are the men, who, in order to give a plauſible colour to their cenſures, can transform themſelves into the appearance of the moſt meek and ſubmiſſive of all his Majeſty's ſubjects, and affect to be greatly alarmed at theſe private letters, and to believe that 'they had a natural 'and efficacious tendency to interrupt and 'alienate the affections of our Moſt Gracious 'Sovereign, King George the Third, from this 'his loyal and affectionate province: to deſtroy 'that harmony and good-will between Great-

'Britain and this colony, which every friend to 'either would wiſh to eſtabliſh; and to excite 'the reſentment of the Britiſh Adminiſtration 'againſt this province, &c.'

At that very time, when they knew that they had been flying in the face of his Majeſty, ſetting acts of parliament at defiance, and paſſing the moſt ſeditious reſolutions againſt the dignity of the Britiſh nation, and the ſupreme authority of the empire; at that very time theſe tender-minded loyaliſts are moſt piteouſly concerned about ſome private letters, leſt they ſhould interrupt and alienate the affections of their Moſt Gracious Sovereign King George the Third: Letters which ſet them in a light of Innocence, compared with the mutinous and inſolent portrait, which they have here drawn of themſelves.

After having in their public votes ſpurned at the King's orders, aſſumed to themſelves the controul of his Courts of Juſtice, and proſcribed the King's Judges as enemies to the conſtitution, and promoters of arbitrary government, if they obey the King's order, founded on an act of parliament, and receive the King's ſalaries, they then call themſelves his moſt loyal and affectionate ſubjects.

They openly recite a ſolemn act of the Britiſh legiſlature, and make a counter declaration of their

their own in direct oppoſition to it; and then pretend to be mightily afraid, leſt theſe letters to Mr. Whately ſhould deſtroy the harmony and good will between Great-Britain and the colony.

But not content with profeſſing their great concern to preſerve the good will of the Britiſh nation, and to appear to his Majeſty as his moſt affectionate ſubjects, they are anxious even about the good opinion of his Miniſters; and are grievouſly concerned, leſt theſe letters ſhould *excite the reſentment of the Britiſh Adminiſtration.* Reader, theſe very men, Adams, Hancock, &c. who, in the form of a Committee of Correſpondence for the town of Boſton, have been inflaming all the towns in the province againſt the King's government; who, in the form of a Committee of Aſſembly, drew up theſe reſolutions, and theſe cenſures; theſe very men, in a meſſage to the Governor, 12th February, 1773, expreſs themſelves in the following terms: 'We are more and more convinced, that it has 'been the deſign of Adminiſtration, totally to 'ſubvert the conſtitution, and to introduce arbi-'trary government into this province.' Doubtleſs the King's ſervants ought, every man of them, to join in adviſing his Majeſty to diſmiſs his Governor and Lieutenant-Governor, who could ſuppoſe any thing ill of men who ſtood ſo much in awe of *their reſentment?*

There

There is one remark more, which cannot have eſcaped the Reader. One of the chief paſſages objected to by theſe cenſurers, is that where Mr. Hutchinſon ſays: 'If no meaſures ſhall have 'been taken to ſecure this dependance, or nothing 'more than ſome declaratory acts or reſolves, 'it is all over with us.' Can there poſſibly be required a ſtronger proof of the truth of this obſervation about the inefficacy of our declaratory act, than the counter declaration which we have now ſeen? yet, after having themſelves verified the prediction, they would have his Majeſty turn out his Governor for having made it.

Reader, there are but too many men to be found, who, after doing a bad thing, will be falſe enough to charge it upon others. There are alſo other inſtances of men, who having done a wrong thing, will affect to conſider as the higheſt affront, the being told that they have done it. But for men firſt to do a thing, then to avow it, and publiſh to the world that they have done it; and after all this to cenſure it as a crime in their Governor to ſuppoſe them capable of doing it: This is a degree of effrontery ſuited only to the complexion of a Boſton Committee-man.

THERE are a few other remarks which it may be of uſe to make upon theſe letters.

The only exceptionable expreſſion in Mr. Hutchinſon's letters, is that in which he ſays: *there muſt be an abridgment of what are called Engliſh Liberties.* And this appears ſo, only from our not being apprized of the meaning of it. An Engliſh reader naturally concludes, that by *Engliſh Liberties*, is meant our being governed, not by arbitrary will, but only by Acts of Parliament. In the Boſton new dialect the import of this phraſe is juſt the contrary; and what *they* call *Engliſh Liberties*, is the *not* being governed by Acts of Parliament. The reader need only look into their votes and public proceedings, to be convinced that this is the true and avowed ſenſe in which they underſtand it. In the Charter of the Maſſachuſet's colony, King William, in the words of their old Charter, ſays: 'And 'farther our will and pleaſure is, and we 'do hereby for us, our heirs, and ſucceſſors, 'grant, eſtabliſh, and ordain, That all and 'every of the ſubjects of us, our heirs, and 'ſucceſſors, which ſhall go to and inhabit within 'our ſaid province and territory, and every of 'their children, which ſhall happen to be born 'there,

there, or on the ſeas in going thither, or returning from thence, ſhall have and enjoy all 'liberties and immunities of free and natural 'ſubjects, *within any of the dominions of us, our 'heirs, and ſucceſſors*, to all intents, conſtruc- 'tions, and purpoſes whatſoever, as if they and 'every of them were born within this our realm 'of England.' From King William's reign to this, no one ever had the leaſt doubt about the meaning of this clauſe; and the New-Englanders have ever enjoyed the full benefit of it, by their being treated in all parts of the King's dominions, wherever they came, not as aliens, but as deniſons, and enjoying all the liberties and immunities of free and natural born ſubjects. This I ſay has invariably hitherto been underſtood to be the meaning of this paragraph. But within theſe few years, the leaders of the faction at Boſton have been inſtructed to put a quite new interpretation upon theſe words, and to ſay: The people of England have a right to chuſe Repreſentatives for themſelves, and are governed only by Acts of Parliament; the charter ſays, that we ſhall enjoy all liberties and immunities of free and natural ſubjects within any of the King's dominions; therefore we too have as good a right, as the people of England have, to chooſe our own Repreſentatives, and to be governed only by the laws made by our own Aſſembly;

Aſſembly; and the Parliament of England have nothing to do with us. We, as well as the inhabitants of England, by our charter are entitled to Engliſh liberties, and therefore we will make laws for ourſelves; and no legiſlature of Great-Britain has any right to controll us.

A ſubordinate power of legiſlation, for the well ordering the ſeveral provinces and corporations, and for the making laws for their own good government among themſelves, *that* is a power which we can well underſtand; and accordingly in the Maſſachuſetts Charter, as well as in moſt other Charters, there is an expreſs clauſe, giving them this legiſlative power, and limiting the extent of it; that its laws ſhall not be repugnant or contrary to the laws of the realm, or as the next paragraph ſays, repugnant to the laws and ſtatutes of this our realm. But theſe Boſtoners paſſing over this, and all the other clauſes in their Charter, which provide for their welfare and good government, while they continue in the province, have moſt unfortunately choſen to build their high claim of independence upon that ſingle clauſe which grants them nothing while they are *in* the province, but only provides for their good reception *in all parts of the King's dominions*, when they go *out* of it.

In oppoſition to this wild and futile claim of independence, Mr. Hutchinſon inſiſts, 'that 'from King William's days to theſe, the oldeſt 'man living never heard of this interpretation. 'That never before theſe days was a doubt made 'of the ſupreme authority of Parliament over 'every part of the empire. That in every go-'vernment there muſt be ſomewhere a ſupreme 'uncontroulable power, an abſolute authority to 'decide and determine. That two ſuch powers 'cannot co-exiſt, but neceſſarily will make two 'diſtinct ſtates.'

Whether it be right or not, that the empire ſhould be ſplit into a number of ſeparate and independent governments, which ſhall each of them be at liberty to take their own courſe, and make laws according to their own liking, without being ſubject to any controul from that ſupreme legiſlature, which has hitherto been thought to have the care of the whole, and whoſe duty it is to ſee that no part of the empire ſuffer any detriment, that is an argument which I leave to the determination of a ſuperior authority.

Whether it be a juſtifiable procedure to foſter and encourage this froward humour in the Coloniſts, and to ſupport them in theſe pretenſions of independence, till we have nurſed up their diſcontents

diſcontents into mutiny and rebellion: whether, I ſay, it be a juſtifiable thing to do this, for the ſingle purpoſe of diſtreſſing or overſetting a miniſtry, that I leave to the diſcretion of our party leaders.

All that I have to obſerve is this: That if by Engliſh liberties and immunities be meant a right given to a ſet of ſubjects, wherever they go, to erect a legiſlature of their own; and then to ſay that they will be governed by that only, and that the Parliament has nothing to do with them; if, immediately after King James had been expelled for attempting to ſuſpend *a very few* Acts of Parliament, it can be ſuppoſed, that King William meant to aſſume a power to ſuſpend them *all*; we may then allow, that the people of Boſton have a right to vote theſe to be Engliſh liberties.

But if the Britiſh empire be but one empire, and we do not wiſh to ſee it crumble to pieces, and break it into as many ſeparate governments, as are the provinces, counties, and corporations contained in it: we muſt then be convinced, that a grant of Engliſh liberties and immunities does not mean a right given to every province or corporation of the empire, to ſeparate itſelf from the reſt of the Britiſh dominions, and to form to itſelf a legiſlature of its own, which ſhall be uncontroulable by Parliament:

Or,

Or, if the people of Maſſachuſetts Bay will perſiſt in the uſe of this phraſe; and will ſay, that this ought to be called Engliſh liberties; we muſt then ſay, as Mr. Hutchinſon does, that the Britiſh empire is but one, and that to preſerve that unity, there muſt be an abridgment of what are (thus abſurdly) called *Engliſh liberties.*

PRO-

PROCEEDINGS

ON THE

ADDRESS

OF THE

ASSEMBLY

OF

MASSACHUSETTS BAY,

TO REMOVE

HIS MAJESTY'S GOVERNOR

AND

LIEUTENANT GOVERNOR.

To the Right Hon. the Earl of DARTMOUTH.

(Copy)

MY LORD, *London, Auguſt* 21, 1773.

I HAVE juſt received from the Houſe of Repreſentatives of the Maſſachuſett's Bay, their Addreſs to the King, which I now encloſe, and ſend to your Lordſhip with my humble requeſt in their behalf, that you would be pleaſed to preſent it to his Majeſty the firſt convenient opportunity.

I have the pleaſure of hearing from that province by my late letters, that a ſincere diſpoſition prevails in the people there to be on good terms with the Mother Country; that the Aſſembly have declared their deſire only to be put into the ſituation they were in before the ſtamp act; they aim at no novelties. And it is ſaid, that having lately diſcovered, as they think, the authors of their grievances to be ſome of their own people, their reſentment againſt Britain is thence much abated.

This good diſpoſition of their's (will your Lordſhip permit me to ſay) may be cultivated by a favourable anſwer to this Addreſs, which I therefore hope your goodneſs will endeavour to obtain. With the greateſt reſpect,

I have the Honour to be, my Lord, &c.

B. FRANKLIN,

Agent for the Houſe of Repreſentatives.

To the Clerk of the Council in waiting.

(COPY)

SIR, *Whitehall, Dec.* 3, 1773.

THE Agent for the Houſe of Repreſentatives of the Province of the Maſſachuſett's Bay, having delivered to Lord Dartmouth an Addreſs of that Houſe to the King, ſigned by their Speaker, complaining of the conduct of the Governor and Lieutenant Governor of that province, in reſpect to certain private letters written by them to their correſpondents in England, and praying that they may be removed from their poſts in that government; His Lordſhip hath preſented the ſaid Addreſs to his Majeſty; and his Majeſty having ſignified his pleaſure, that the ſaid Addreſs ſhould be laid before his Majeſty in his Privy Council, I am directed by Lord Dartmouth to tranſmit the ſame accordingly, together with a copy of the Agent's letter to his Lordſhip accompanying the ſaid Addreſs.

I am, Sir,

Your moſt obedient humble ſervant,

(Signed)

J. POWNALL.

To the KING's Moſt Excellent Majeſty.

Moſt Gracious Sovereign,

WE your Majeſty's loyal ſubjects, the Repreſentatives of your ancient Colony of the Maſſachuſets Bay, in General Court legally aſſembled, by virtue of your Majeſty's writ under the hand and ſeal of the Governor, beg leave to lay this our humble Petition before your Majeſty.

NOTHING but the ſenſe of the duty we owe to our Sovereign, and the obligation we are under to conſult the peace and ſafety of the Province, could induce us to remonſtrate to your Majeſty the Mal-Conduct of perſons who have heretofore had the confidence and eſteem of this people, and whom your Majeſty has been pleaſed, from the pureſt motives of rendering your ſubjects happy, to advance to the higheſt places of truſt and authority in the Province.

YOUR Majeſty's humble petitioners, with the deepeſt concern and anxiety, have ſeen the diſcords and animoſities which have too long ſubſiſted between your ſubjects of the Parent State and thoſe of the American Colonies. And we have trembled with apprehenſions that the conſequences naturally ariſing therefrom, would at length prove fatal to both Countries.

PERMIT us humbly to ſuggeſt to your Majeſty, that your ſubjects here have been inclined to believe, that the Grievances which they have ſuffered, and ſtill continue to ſuffer, have been occaſioned by your Majeſty's Miniſters and Principal Servants being, unfortunately for us, miſinformed in certain facts of very intereſting importance to us. It is for this reaſon that former Aſſemblies have from time to time prepared a true ſtate of Facts to be laid before your Majeſty, but their humble Remonſtrances and Petitions, it is preſumed, have by ſome means been prevented from reaching your Royal hand.

YOUR Majeſty's Petitioners have very lately had before them certain papers from which they humbly conceive, it is moſt reaſonable to ſuppoſe, that there has long been a conſpiracy of evil men in this province, who have contemplated meaſures and formed a plan to advance themſelves to power and raiſe their own fortunes by means deſtructive of the charter of the province, at the expence of the quiet of the nation, and to the annihilating of the rights and liberties of the American colonies.

AND we do with all due ſubmiſſion to your Majeſty beg leave particularly to complain of the conduct of his Excellency Thomas Hutchinſon Eſquire Governor, and the Honourable Andrew Oliver Eſquire Lieutenant Governor

of

of this your Majeſty's province, as having a natural and efficacious tendency to interrupt and alienate the affections of your Majeſty our Rightful Sovereign from this your Loyal Province, to deſtroy that harmony and good-will between Great-Britain and this Colony, which every honeſt ſubject would ſtrive to eſtabliſh, to excite the reſentment of the Britiſh Adminiſtration againſt this province, to defeat the endeavours of our Agents and friends to ſerve us by a fair repreſentation of our ſtate of facts, to prevent our humble and repeated petitions from reaching the ear of Your Majeſty, or having their deſired effect, And finally that the ſaid Thomas Hutchinſon and Andrew Oliver have been among the chief inſtruments in introducing a fleet and an army into this province, to eſtabliſh and perpetuate their plans, whereby they have been not only greatly inſtrumental of diſturbing the peace and harmony of the government, and cauſing unnatural and hateful diſcords and animoſities between the ſeveral parts of your Majeſty's extenſive dominions, but are juſtly chargeable with all that corruption of morals and all that confuſion, miſery, and bloodſhed, which have been the natural effects of poſting an army in a populous town.

WHEREFORE we moſt humbly pray that your Majeſty would be pleaſed to remove from

their poſts in this government the ſaid Thomas Hutchinſon Eſquire and Andrew Oliver Eſquire, who have by their above-mentioned conduct and otherwiſe rendered themſelves juſtly obnoxious to your loving ſubjects, and intirely loſt their confidence: And place ſuch good and faithful men in their ſtead as your Majeſty in your great wiſdom ſhall think fit.

In the name and by order of the Houſe of Repreſentatives,

THO. CUSHING,
Speaker.

TO THE

LORDS COMMITTEE

OF

HIS MAJESTY'S PRIVY COUNCIL,

FOR PLANTATION AFFAIRS.

The PETITION of ISRAEL MAUDUIT,

Humbly ſheweth unto your LORDSHIPS,

THAT having been informed that an Addreſs in the name of the Houſe of Repreſentatives of His Majeſty's Colony of Maſſachuſett's Bay, has been preſented to His Majeſty, by Benjamin Franklin, Eſq. praying the removal of His Majeſty's Governor and Lieutenant Governor, which is appointed to be taken into conſideration on Tueſday next: Your Petitioner, on the behalf of the ſaid Governor and Lieutenant Governor, humbly prays, that he may be heard by counſel in relation to the ſame, before your Lordſhips ſhall make any report on the ſaid Addreſs.

ISRAEL MAUDUIT.

Clemens Lane,
Jan. 10, 1774.

To the PRINTER *of the* PUBLIC ADVERTISER.

SIR,

FINDING that two gentlemen have been unfortunately engaged in a duel, about a tranſaction and its circumſtances, of which both of them are totally ignorant and innocent, I think it incumbent on me to declare (for the prevention of farther miſchief, as far as ſuch a declaration may contribute to prevent it) that I alone am the perſon who obtained and tranſmitted to Boſton the letters in queſtion.—Mr. W. could not communicate them, becauſe they were never in his poſſeſſion; and for the ſame reaſon, they could not be taken from him by Mr. T.—They were not of the nature of private letters between friends. They were written by public officers to perſons in public ſtation, on public affairs, and intended to procure public meaſures; they were therefore handed to other public perſons who might be influenced by them to produce thoſe meaſures: Their tendency

dency was to incenſe the mother country againſt her colonies, and, by the ſteps recommended, to widen the breach, which they effected. The chief caution expreſſed with regard to privacy, was, to keep their contents from the Colony Agents, who the writers apprehended might return them, or copies of them, to America. That apprehenſion was, it ſeems, well founded; for the firſt Agent who laid his hands on them, thought it his duty to tranſmit them to his Conſtituents.

B. FRANKLIN,
Agent for the Houſe of Repreſentatives of the Maſſachuſetts-Bay.

Craven-ſtreet,
Dec. 25, 1773.

At the COUNCIL CHAMBER, Jan. 11, 1774.

PRESENT, *Lord Preſident, the Secretaries of State, and many other Lords.*

Dr. FRANKLIN and Mr. BOLLAN,

Mr. MAUDUIT and Mr. WEDDERBURN.

Dr. Franklin's Letter, and the Addreſs, Mr. Pownal's Letter, and Mr. Mauduit's Petition, were read.

Mr. Wedderburn.

The Addreſs mentions certain papers. I would wiſh to be informed what are thoſe papers.

Dr. Franklin.

They are the Letters of Mr. Hutchinſon and Mr. Oliver.

Court.

Have you brought them?

Dr. Franklin.

No, but here are atteſted copies.

Court.

Do you not mean to found a charge upon them? if you do, you muſt produce the letters.

Dr. Franklin.

Theſe copies are atteſted by ſeveral Gentlemen at Boſton, and a Notary Public.

Mr. Wedderburn.

My Lords, we ſhall not take advantage of any imperfection in the proof. We admit that the letters are Mr. Hutchinſon's and Mr. Oliver's hand writing: reſerving to ourſelves the right of inquiring how they were obtained.

Dr. Franklin.

I did not expect that Counſel would have been employed on this occaſion.

Court.

Had you not notice ſent you of Mr. Mauduit's having petitioned to be heard by Counſel on behalf of the Governor and Lieutenant Governor?

Dr. Franklin.

I did receive ſuch notice, but I thought that this had been a matter of politics and not of law*, and have not brought any Counſel.

Court.

* See an Anſwer to this, pages 109, 110.

Court.

Where a charge is brought, the parties have a right to be heard by Council or not, as they chuſe.

Mr. Mauduit.

My Lords, I am not a native of that country, as theſe Gentlemen are. I well know Dr. Franklin's abilities, and wiſh to put the defence of my friends more upon a parity with the attack; he will not therefore wonder that I chuſe to appear before your Lordſhips with the aſſiſtance of Counſel. My friends, in their letters to me, have deſired (if any proceedings, as they ſay, ſhould be had upon this Addreſs) that they may have a hearing in their own juſtification, that their innocence may be fully cleared, and their honour vindicated; and have made proviſion accordingly. I do not think myſelf at liberty therefore to give up the aſſiſtance of my Counſel, in defending them againſt this unjuſt accuſation.

Court.

Dr. Franklin may have the aſſiſtance of Counſel, or go on without it, as he ſhall chuſe.

Dr. Franklin.

I deſire to have Counſel.

Court.

Court.

What time ſhall you want?

Dr. Franklin.

Three weeks.

Ordered, That the further proceedings be on Saturday 29th inſtant.

At the COUNCIL CHAMBER,
Saturday, Jan. 29, 1774.

PRESENT, *Lord Preſident and* 35 *Lords.*

Mr. WEDDERBURN.

The Subſtance of that Part of Mr. WEDDERBURN's SPEECH, which related to the obtaining and ſending away Mr. WHATELY's LETTERS.

COUNSEL for the ASSEMBLY,

Mr. DUNNING,

Mr. JOHN LEE.

COUNSEL for the GOVERNOR and LIEUTENANT GOVERNOR,

Mr. WEDDERBURN.

At the COUNCIL CHAMBER,
Saturday, Jan. 29, 1774.

PRESENT, *Lord Preſident and* 35 *Lords.*

Mr. WEDDERBURN.

MY LORDS,

THE caſe, which now comes before your Lordſhips, is juſtly entitled to all ſ[illegible]t attention, which, from the preſence of ſo [illegible]eat a number of Lords, and of ſo large an audience, it appears to have excited. It is a queſtion of no leſs magnitude, than whether the Crown ſhall ever have it in its power to employ a faithful and ſteady ſervant in the adminiſtration of a Colony.

In the appointment of Mr. Hutchinſon, his Majeſty's choice followed the wiſhes of his people; and no other man could have been named, in whom ſo many favourable circumſtances concurred to recommend him.

A native of the country, whoſe anceſtors were among its firſt ſettlers. A Gentleman, who had for many years preſided in their Law Courts; of tried integrity; of confeſſed abilities; and

who had long employed thoſe abilities, in the ſtudy of their hiſtory and original conſtitution.

My Lords, if ſuch a man, without their attempting to alledge one ſingle act of miſconduct, during the four years, in which he has been Governor, is to be born down by the mere ſurmiſes of this Addreſs, it muſt then become a caſe of ſtill greater magnitude, and ever be a matter of doubt, whether the Colony ſhall henceforward pay reſpect to any authority derived from this country.

A charge of ſome ſort however is now preferred againſt theſe Gentlemen by this Addreſs; and the prayer of it is, that his Majeſty would puniſh them by a diſgraceful removal.

If they ſhall appear to have either betrayed the rights of the Crown, or to have invaded the rights of the People, your Lordſhips doubtleſs will then adviſe his Majeſty no longer to truſt his authority with thoſe, who have abuſed it.

But if no crime is objected to them, no act of miſconduct proved, your Lordſhips will then do the juſtice to their characters, which every innocent man has a right to expect; and grant them that protection and encouragement, which is due to officers in their ſtation.

My Lords, this is not the place to give any opinion about our public tranſactions relating to the Colonies, and I ſhall carefully avoid it. But the whole foundation of this Addreſs reſts upon

upon events of five and ſix years ſtanding; and this makes it neceſſary to take up the hiſtory of them from their firſt original.

In the beginning of the year 1764, * *

* * * * * * * * * * * * * *

* * * * * * * * * * * * * *

* * * * * * * * * * * * * *

My Lords, After having gone through the hiſtory of this people, for the laſt ten years, and ſhewn what has been the behaviour of Mr. Hutchinſon in all theſe occurrences, and the very laudable and friendly part he acted on every occaſion for the good of the colony; I now come to conſider the argument upon that footing, on which my learned friends have choſen to place it.

They have read to your Lordſhips the Aſſembly's addreſs; they have read the letters; and they have read the cenſures paſſed on them: and, after praying the removal of his Majeſty's Governor and Lieutenant-Governor, they now tell your Lordſhips: There is no cauſe to try—There is no charge—There are no accuſers—There are no proofs.—They ſay that the Governor and Lieutenant-Governor are diſliked by the Aſſembly, and they ought to be diſmiſſed, becauſe they have loſt the confidence *of thoſe* who complain againſt them.

My Lords, This is ſo very extraordinary a proceeding, that I know of no precedent, except one: but that, I confeſs, according to the Roman poet's report, is a caſe in point.

Nunquam, ſi quid mihi credis, amavi
Hunc hominem.—Sed quo cecidit ſub crimine?—Quiſnam
Delator—Quibus Indicibus?—Quo Teſte probavit—
Nil horum—Verboſa & grandis epiſtola venit
A Capreis—Bene habet: nil plus interrogo.

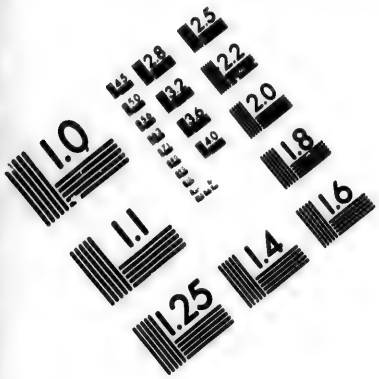
My Lords, The only purport of this important addreſs is, that the Governor and Lieutenant-Governor have loſt the confidence of the people, upon account of ſome papers, which they have voted to be unfriendly to them, and *that they have been amongſt the chief inſtruments in introducing a fleet and army into the province.* — Your Lordſhips have heard the letters read, and are the beſt judges of their tendency. I can appeal to your Lordſhips, that it was not theſe letters, but their own ill conduct, which made it neceſſary to order the four regiments. In point of time it was impoſſible: for in Mr. Hutchinſon's very firſt letter, it appears, that they had an expectation of troops. And they arrived in three months after. I could appeal too to their own knowledge: for the printed collection of Sir Francis Bernard's and General Gage's, &c. letters were before them, which indiſputably ſhew the direct contrary.

But

But my learned friends have not attempted to point out the demerits of theſe letters, I need not enter into the defence of them. To call them only innocent letters, would be greatly to depreciate them. They contain the ſtrongeſt proofs of Mr. Hutchinſon's good ſenſe, his great moderation, and his ſincere regard to the welfare of that his native province. Yet, for theſe it is, that they tell us he has loſt the confidence of the people.

My Lords, There cannot be a more ſtriking inſtance of the force of truth, than what the Committee have drew up theſe papers, exemplify in their conduct. In their ſecond reſolution, they acknowledge the high character, in which Mr. Hutchinſon ſtands upon account of his *eminent abilities*. In the very outſet of their addreſs, they acknowledge the good *uſe* which he had made of thoſe abilities: for he could not have enjoyed their confidence, as they ſay he heretofore did, if he had made a bad one. They acknowledge that this confidence ſubſiſted, at leaſt till the time of his being made Governor. Elſe they could not expreſs their thankfulneſs to his Majeſty as they do, and applaud the appointment of him, *as proceeding from the pureſt motives of rendering his ſubjects happy.*

In the heighth of their ill will therefore to Mr. Hutchinſon, truth looks his enemies



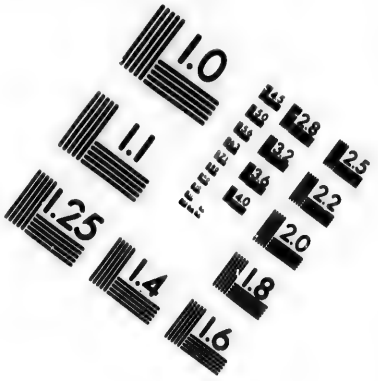
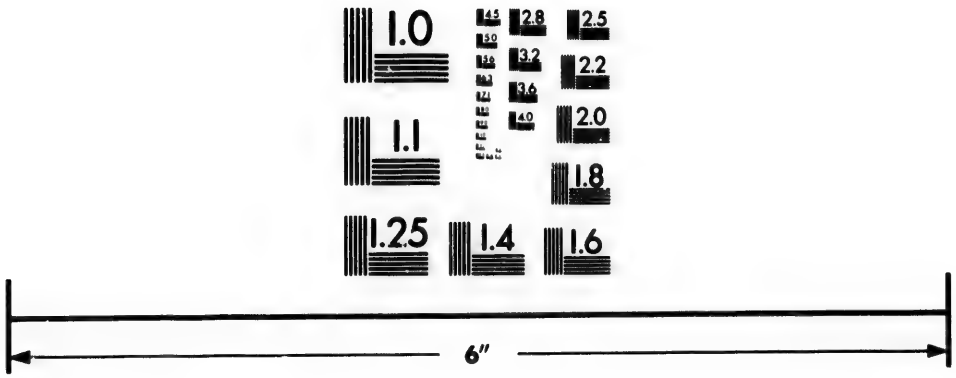
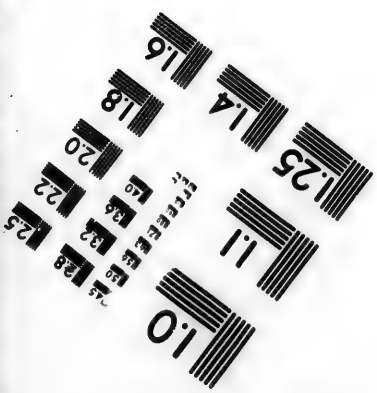


IMAGE EVALUATION TEST TARGET (MT-3)





Photographic Sciences Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

full in the face, and extorts from them a confeſſion of his merit, even in the very act of accuſing him.

But, whatever be the cenſures, which the Aſſembly may have been induced to paſs on him, I will now give your Lordſhips a proof of his enjoying the people's confidence, to the very time of the arrival of theſe letters.

Every one knows that there are few ſubjects, in which the people of the colonies have more eagerly intereſted themſelves, than in ſettling the boundary lines between the ſeveral provinces. Some of your Lordſhips may remember the long hearings which have been held at this Board upon theſe diſputes. Of late, they have taken upon *themſelves* to fix the limits of the King's charters. An agreement was made between the two Aſſemblies of New York and Maſſachuſett's Bay, that they ſhould each appoint their Commiſſaries, to meet and ſettle the boundary line between the two provinces. Both of them no doubt looked out for the beſt men they had for that purpoſe. But the people of Maſſachuſett's Bay, after they had choſen their commiſſaries, ſtill thought that they could more ſecurely truſt their intereſts in their hands, if Mr. Hutchinſon would go along with them. To him they had been uſed to look, as the man, who beſt knew the hiſtory of their firſt ſettlements; him they conſidered as the ableſt defender of the province's rights:

rights: and had ever found in him the moſt zealous affection for their welfare. The party leaders perhaps might have been content to loſe to the province any number of acres or a few townſhips, rather than owe to Mr. Hutchinſon the preſervation of them. But they did not dare to ſet their faces againſt the general ſenſe of the people. The Governor was therefore requeſted to go with the Commiſſaries. He did ſo, and ſettled for them a much better line, than they had ever expected. And the New York and their own Commiſſaries both of them acknowledged, that the advantage gained to the province, was chiefly owing to the ſuperior knowledge and abilities of Mr. Hutchinſon.

Thus far then the Governor's character ſtands fair and unimpeached. Whatever therefore be the foundation of this Addreſs for his removal, it muſt be ſomething done by him, or known of him, ſince his return from this ſervice juſt before the arrival of theſe letters. Your Lordſhips will obſerve, that his enemies don't attempt to point out a ſingle action, during the four years, in which he has been Governor, as a ſubject of complaint. The whole of this Addreſs reſts upon the foundation of theſe letters, written before the time, when either of theſe Gentlemen were poſſeſſed of the offices, from which the Aſſembly now aſk their removal. They owe therefore all the ill will which has

been raiſed againſt them, and the loſs of that confidence, which the Aſſembly themſelves acknowledge they had heretofore injoyed, to Dr. Franklin's good office in ſending back theſe letters to Boſton. Dr. Franklin therefore ſtands in the light of the firſt mover and prime conductor of this whole contrivance againſt his Majeſty's two Governors; and having by the help of his own ſpecial confidents and party leaders, firſt made the Aſſembly *his* Agents in carrying on his own ſecret deſigns, he now appears before your Lordſhips to give the finiſhing ſtroke to the work of his own hands.

How theſe letters came into the poſſeſſion of any one but the right owners, is ſtill a myſtery for Dr. Franklin to explain.—They who know the affectionate regard which the Whatelys had for each other, and the tender concern they felt for the honour of their brother's memory, as well as their own, can witneſs the diſtreſſes which this occaſioned. My Lords, the late Mr. Whately was moſt ſcrupulouſly cautious about his letters. We lived for many years in the ſtricteſt intimacy; and in all thoſe years I never ſaw a ſingle letter written to him. Theſe letters I believe were in his cuſtody at his death. And I as firmly believe, that without fraud, they could not have been got out of the cuſtody of the perſon whoſe hands they fell into. His brothers little wanted this additional aggravation

to

to the loss of him. Called upon by their correspondents at Boston; anxious for vindicating their brother's honour and their own, they enquired; gave to the parties aggrieved all the information in their power; but never accused.

Your Lordships know the train of mischiefs which followed. — But wherein had my late worthy friend or his family offended Dr. Franklin, that he should first do so great an injury to the memory of the dead brother, by secreting and sending away his letters: and then, conscious of what he had done, should keep himself concealed, till he had nearly, very nearly occasioned the murder of the other.

After the mischiefs of this concealment had been left for five months to have their full operation, at length comes out a letter, which it is impossible to read without horror; expressive of the coolest and most deliberate malevolence.— My Lords, what poetic fiction only had penned for the *breast* of a cruel African, Dr. Franklin has realized, and transcribed from his *own*. His too is the language of a Zanga:

"Know then 'twas ——— I.
"I forg'd the letter—I dispos'd the picture—
"I hated, I despis'd, and I destroy."

What are the motives he assigns for this conduct, I shall now more deliberately consider.

My Lords, if there be any thing held ſacred in the intercourſe of mankind, it is their private letters of friendſhip—If there can be any ſuch private letters, thoſe which paſſed between the late Mr. Whately and Mr. Oliver are ſuch—The friendſhip between the two families is of thirty years ſtanding—during all that time there has been kept up an intercourſe of letters; firſt with Mr. Whately, the father, and then with the late Mr. Thomas Whately, the ſon—In the courſe of this friendſhip, a variety of good offices have paſſed between the two families: one of theſe fell within the period of theſe letters—Upon Mr. Oliver's daughter's coming to England with her huſband upon buſineſs, they were received at Nonſuch by Mrs. Whately and her ſons, as the ſon and daughter of their old friend and correſpondent—And accordingly your Lordſhips will find, that one part of theſe letters is to return thanks for the civilities ſhewn to Mr. and Mrs. Spooner at Nonſuch.

Theſe are the letters which Dr. Franklin treats as public letters, and has thought proper to ſecrete them for his own private purpoſe. How he got at them, or in whoſe hands they were at the time of Mr. Whately's death, the Doctor has not yet thought proper to tell us. Till he do, he wittingly leaves the world at liberty,

liberty to conjecture about them as they pleaſe, and to reaſon upon thoſe conjectures.—But let the letters have been lodged where they may, from the hour of Mr. Thomas Whately's death, they became the property of his brother and of the Whately family. Dr. Franklin could not but know this, and that no one had a right to diſpoſe of them but they only —— Other receivers of goods diſhonourably come by, may plead as a pretence for keeping them, that they don't know who are the proprietors: In this caſe there was not the common excuſe of ignorance; the Doctor knew whoſe they were, and yet did not reſtore them to the right owner —This property is as ſacred and as precious to Gentlemen of integrity, as their family plate or jewels are. And no man who knows the Whately's, will doubt, but that they would much ſooner have choſen, that any perſon ſhould have taken their plate, and ſent it to Holland for his avarice, than that he ſhould have ſecreted the letters of their friends, their brother's friend, and their father's friend, and ſent them away to Boſton to gratify an enemy's malice.

The reaſons aſſigned for this, are as extraordinary as the tranſaction itſelf is: They are public letters, to public perſons, on public affairs, and intended to produce public meaſures. This, my Lords, is the firſt; and the

next

next reaſon aſſigned for publiſhing them is, becauſe the writers deſire that the contents of them ſhould be kept ſecret.

If theſe are public letters, I know not what can be reckoned private. If a letter whoſe firſt buſineſs is to return thanks to an old Lady of ſeventy, for her civilities at Nonſuch, be not a private letter, it will be neceſſary that every man ſhould be particularly careful of his papers: for, after this, there never can be wanting a pretence for making them public*.

But ſays the Doctor, "*They were written by* "*public officers.*"—Can then a man in a public ſtation have no private friends? and write no private letters? Will Dr. Franklin avow the principle, that he has a right to make all private letters of your Lordſhips his own, and to apply them to ſuch uſes as will beſt anſwer the purpoſes of party malevolence? Whatever may have been the confidence heretofore placed in him, ſuch a declaration will not ſurely contribute to increaſe it.

But they were written *to perſons in public ſtations.* Juſt the contrary to this appears to have been the caſe: Dr. Franklin is too well acquainted

* The reader will be pleaſed to obſerve, that the queſtion here is not whether they be good letters or bad ones, but whether they are public letters or private.

acquainted with our hiſtory, not to know, that Mr. Whately, during both theſe years, and for two years before and after, was only a private Member of Parliament; and, as Mr. Oliver juſtly obſerves in a letter of his, *They at Boſton could not be ſuppoſed to apply to him as having an intereſt with the Miniſters, when they knew that he was all that time voting in oppoſition to them.*

Does then the Doctor mean, that his being a Member of Parliament placed him in a public ſtation?—And will he then avow, that a Gentleman's being in Parliament is ground ſufficient for *him* to make his letters lawful plunder, and to ſend them to his enemies?

But *they were written on public affairs.* A very grievous offence! But it is a crime, of which probably we all of us have been guilty, and ought not, ſurely, for that only, to forfeit the common rights of humanity.

But *they were intended to procure public meaſures.* And does not every man, who writes in confidence to his friend upon political ſubjects, lament any thing which he thinks to be wrong, and wiſh to have it amended? And is this the crime of ſo heinous a nature, as to put Mr. Whately's friends out of the common protection? and to give to Dr. Franklin a right to hang them up to party rage, and to expoſe them, for what he knew, to the danger of having their houſes

houſes a ſecond time pull'd down by popular fury.

But *the writers of them deſired ſecrecy.*—True, they did ſo. And what man is there, who, when he is writing in confidence, does not wiſh for the ſame thing? Does not every man ſay things to a friend, which he would not chuſe to have publiſhed to other people, and much leſs to his enemies? Would letters of friendſhip *be* letters of friendſhip, if they contained nothing but ſuch indifferent things as might be ſaid to all the world?

If this is the caſe at all times with the confidential intercourſe of friends, in times of party-violence, there muſt be a thouſand things ſaid in letters, which, though innocent in themſelves, either by rival malice or party prejudice, may be turned to a very different conſtruction. Theſe letters themſelves have been diſtorted in this manner; and ſome expreſſions in them cannot poſſibly be underſtood, without knowing the correſpondent letters, to which they refer. And when a factious party had got poſſeſſion of the Town meetings, and led the Aſſembly into what reſolutions they pleaſed, and were watching for any pretence to abuſe and inſult their Governors, is it at all to be wondered, that they did not wiſh to have the contents of their letters told to their enemies?

When we read in theſe letters ſuch paſſages as theſe: "If there be no neceſſity for it, I think

"it

" it would be beſt it ſhould not be known that " this intelligence comes from me." Or this: " I have wrote with freedom, in confidence of " my name's not being uſed on the occaſion. " For though I have wrote nothing but what, " in my conſcience, I think an American may, " upon juſt principles, advance, and what a " ſervant of the crown ought, upon all proper " occaſions, to ſuggeſt; yet the many prejudices " I have to combat with, may render it unfit " it ſhould be made public." Or this of Mr. Hutchinſon's: " I muſt beg the favour of you " to keep ſecret every thing I write, until we " are in a more ſettled ſtate, for the party here, " either by their Agent, or by ſome of their " emiſſaries in London, have ſent them every " report or rumour of the *contents* of letters " wrote from hence. I hope we ſhall ſee better " times both here and in England." Or this again of Mr. Oliver's: " *I have wrote with free-* " *dom*; *I conſider I am writing to a friend*; *and* " *that I am perfectly ſafe in opening myſelf to you.*" Upon reading theſe paſſages, which are all there are of this kind, a man, whoſe heart was caſt in the common mould of humanity, would have been apt to ſay: Theſe are letters irregularly obtained: The writers deſire that every thing they write ſhould be kept ſecret: they belong to Mr. Whately, who never injured *me*: I

will therefore return them to the right owner. Dr. Franklin's reaſoning is of a very different caſt. After having juſt before told us: Theſe are public letters, ſent to public perſons, deſigned for public purpoſes, and *therefore* I have a right to betray them; he now ſays, theſe are letters which the writers deſire may be kept ſecret, and therefore I will ſend them to their enemies. Prepared on both ſides for his rival's overthrow, he makes that an argument for doing him hurt, which any other man would conſider as a principal aggravation of the injuſtice of it.

But, if the deſiring ſecrecy be the proof, and the meaſure of guilt, what then are we to think of Dr. Franklin's caſe? whoſe whole conduct in this affair has been ſecret and myſterious? and who, through the whole courſe of it, has diſcovered the utmoſt ſolicitude to keep it ſo? My Lords, My accounts ſay, that when theſe letters were ſent over to Boſton, ſo very deſirous was Dr. Franklin of ſecrecy, that he did not chuſe to ſet his name to the letter which accompanied them. This anonymous letter expreſsly ordered, that it ſhould be ſhewn to none but to a junto of ſix perſons. If the Doctor chuſe it, I will name the ſix. The direction of every letter was eraſed, and ſtrict orders were given, that they ſhould be carefully returned again to London. The manner in which they were brought into the Aſſembly,

bly, all ſhewed the moſt earneſt deſire of concealment. Under theſe myſterious circumſtances have the Aſſembly paſſed their cenſures; and voted this Addreſs to his Majeſty againſt Mr. Hutchinſon and Mr. Oliver, upon account of a parcel of letters directed to ſome-body, they know not whom; and ſent from ſome-body, they know not where. And Dr. Franklin now appears before your Lordſhips, wrapt up in impenetrable ſecrecy, to ſupport a charge againſt his Majeſty's Governor and Lieutenant Governor; and expects that your Lordſhips ſhould adviſe the puniſhing them, upon account of certain letters, which he *will* not produce, and which he *dares* not tell how he obtained.

But the Doctor ſays, *he tranſmitted them to his conſtituents.*

That Dr. Franklin ſent theſe letters to ſuch perſons as he thought would in ſome way or other bring them into the Aſſembly, may be true. And accordingly, after an alarm of ſome dreadful diſcovery, theſe letters were produced by one ſingle perſon, pretending to be under an injunction to obſerve the ſtricteſt ſecrecy, and to ſuffer no copies to be taken of them.—After allowing two or three days for Fame to amplify, and for Party-malice to exaggerate; and after having thereby raiſed a general prejudice againſt the Governor; at length another Member tells

the Aſſembly, that he had received from an unknown hand a *copy* of the letters; and wiſhed to have that copy compared and authenticated with the originals. After this, when they had brought the Council into their meaſures, they then found their powers enlarged; and that they were at liberty to ſhew them to any one, provided they did not ſuffer them to go out of their hands; and the King's Governor and Lieutenant-Governor were permitted to look upon them only in this opprobrious manner, in order to render the indignity ſo much the more offenſive.

This Dr. Franklin may call tranſmitting the letters to his conſtituents; and upon thoſe who know nothing of the courſe of theſe proceedings, may eaſily impoſe the belief of it: But your Lordſhips will readily ſee, and every man who has been an agent very well knows, that this is not what is meant by tranſmitting to his conſtituents. My Lords, when an agent means to write to the Aſſembly, he addreſſes his letter to the Speaker, to be communicated to the Houſe. And the Doctor knows, that there are many articles in the Journals of this tenor; "A letter "from Dr. Franklin to the Speaker, was read."

But the courſe taken with theſe letters was juſt the reverſe of this. The letter which came with them was anonymous; though the hand was well

known: too well perhaps known to the ſelected few, who only were to be allowed the ſight of it.—Since therefore the Doctor has told us that he tranſmitted theſe letters to his conſtituents, we know now who they are. His conſtituents, by his own account, muſt be this particular junto: for to them, and them *only*, were the letters communicated. Dr. Franklin did *not* communicate them, as their agent, to the Aſſembly: For whatever may have been the whiſpers of this junto, the Aſſembly, as an Aſſembly, does not to this day know by whom the letters were ſent. And ſo little do theſe innocent well-meaning farmers, which compoſe the bulk of the Aſſembly, know what they are about, that by the arts of theſe leaders, they have been brought to vote an Addreſs to his Majeſty to diſmiſs his Governor and Lieutenant-Governor, founded upon certain papers, which they have not named; ſent to them from ſome-body, they know not whom; and originally directed to ſome-body, they cannot tell where: for, my Lords, my accounts ſay, that it did not appear to the Houſe that theſe letters had ever been in London.

I have pointed out to your Lordſhips, the manner in which this conſpiracy againſt the Governor was conducted, with all its circumſtances, as the letters from Boſton relate them. And from this account your Lordſhips will not wonder

that I conſider Dr. Franklin not ſo much in the light of an agent for the Aſſembly's purpoſe, as in that of a firſt mover and prime conductor of it for his own; not as the Aſſembly's agent for avenging this dreadful conſpiracy of Mr. Hutchinſon againſt his native country; but as the actor and ſecret ſpring, by which all the Aſſembly's motions were directed: the inventor and firſt planner of the whole contrivance. He it was that received and ſent away Mr. Whately's letters. By what means he laid his hands on them, he does not ſay; till he do, he leaves us at liberty to ſuppoſe the worſt; I would wiſh to ſuggeſt the beſt. One caſe only muſt be excepted; Dr. Franklin will not add another injury, and ſay to the repreſentative * of the Whately family, that *they* were any of them conſenting to the perfidy. And yet, my Lords, nothing but that conſent could put him honourably in poſſeſſion of them, and much leſs give him a right to apply them to ſo unwarrantable a purpoſe.

My Lords, there is no end of this miſchief. I have now in my hand an expoſtulatory letter from a Mr. Roome, not a native of America, but ſent from London to Rhode Iſland, to collect in and ſue for large outſtanding debts there. This

* Mr. Whately intended, if he had been well enough, to have been at the Council.

This poor man, in a familiar letter to a friend in the ſame province, expreſſes a juſt indignation at the difficulties he met with in executing his truſt, from the iniquitous tendency of their laws, and of the proceedings of their courts, to defraud their Engliſh creditors; and then gives him an invitation to come and ſpend ſome time with him at his country houſe, and catch perch and be of their fiſhing party. For this letter, the Aſſembly brought him under examination, and committed him to priſon, becauſe he would not anſwer to his printed name at the end of one of the letters in this book*. Upon this occaſion he writes a letter to one of his imployers, with whom he had ſerved his clerkſhip here in London, expoſtulating on the cruelty and injuſtice of the executors ſuffering their dead brother's papers to be applied to ſuch a purpoſe. For he, my Lords, had no conception that any one elſe could have made this uſe of letters which did not belong to him. Mr. Roome had heard that the Boſton letters had all been ſent back again to London; and knew that their Speaker was directed to procure his original letter, in order to their proceeding againſt him ſtill more ſeverely. The Merchant here came

* The Book of Letters, printed at Boſton, then in his hand.

with this letter to a friend of Mr. Whately's, desiring that he would go with him to Mr. Whately, and join in intreating him, not to send back the letter to their Speaker, which would oblige him, he writes, either to fly the Province, or else to suffer a long imprisonment. My Lords, Mr. Whately's friend had seen too much of the anguish of mind under which he had been suffering for the five months since this discovery. He knew that it would be giving him *another stab* to suffer a stranger abruptly to put this letter into his hands; he informed the merchant of the state of the affair, and prevented his going to him.

But what had this poor man done to Dr. Franklin, that *his* letter should be sent back too? Mr. Hutchinson and Mr. Oliver were public persons, and their letters, according to the Doctor's new code of morality, may be lawful prize: But Mr. Roome's is a name we had never heard of. Was *he* too a man in a public station? His friend, to whom he sent this invitation to come a fishing with him, was *he* a public person? Could Mr. Roome, when he was writing to New London, imagine that he was writing a letter to be shewn to the King? and to alienate his affections from that loyal people? Did the sailing of the four Regiments to Boston depend upon the intelligence of a man

a man at Narraganſett? The writer of this letter could not have a thought of its producing public meaſures—Surely then the returning of this letter might have been omitted; and this poor man at leaſt might have been ſpared. But all men, be they in public ſtations or in private, be they great or ſmall, all are prey that unfortunately fall into Dr. Franklin's hands: He wantonly and indiſcriminately ſends back the letters of all; unfeeling of the reflection, which muſt ariſe in every other breaſt, that what is ſport to him, may be impriſonment and death to them.

But under all this weight of ſuſpicion, in the full view of all the miſchievous train of conſequences which have followed from this treachery (for ſuch there muſt be ſomewhere, though Dr. Franklin does not chuſe to let us know where to fix it) with a whole province ſet in a flame; with an honeſt innocent man thrown into jail, and calling on Mr. Whately not to furniſh the means of fixing him there; with a worthy family diſtreſſed, in the reflections caſt on their own character, and in the ſufferings brought upon their friends and correſpondents; with the memory of one brother greatly injured, and the life of another greatly indangered; with all this weight of ſuſpicion, and with all this train of miſchiefs before his eyes, Dr. Franklin's apathy ſets him quite at eaſe, and he would have us think, that he has done nothing more than

than what any other Colony Agent would have done. He happened only to be the firſt Colony Agent who laid his hands on them, and he thought it his duty to tranſmit them to his conſtituents.

My Lords, I have the pleaſure of knowing ſeveral very reſpectable Gentlemen, who have been Colony Agents, and cannot but feel a little concern at ſeeing this ſtrange imputation caſt on that character. I have heard the ſentiments of ſome of them. Upon being aſked, whether, if they had laid their hands upon another Gentleman's letters, they would have thought it their duty to make a like uſe of them: My Lords, they received the propoſal with horror. One of them ſaid, it was profaning the word *Duty* to apply it to ſuch a purpoſe; another, that if he had been their Agent, he would ſooner have cut off his right hand than have done ſuch a thing.

My Lords, Dr. Franklin's mind may have been ſo poſſeſſed with the idea of a Great American Republic, that he may eaſily ſlide into the language of the miniſter of a foreign independent ſtate*. A foreign Ambaſſador when reſiding here, juſt before the breaking out of a war, or upon particular occaſions, may bribe a villain to ſteal or betray any ſtate papers; he is under the com-

* See alſo his letter to Lord Dartmouth.

command of another ſtate, and is not amenable to the laws of the country where he reſides; and the ſecure exemption from puniſhment may induce a laxer morality.

But Dr. Franklin, whatever he may teach the people at Boſton, while he is *here* at leaſt is a ſubject; and if a ſubject injure a ſubject, he is anſwerable to the law. And the Court of Chancery will not much attend to his new ſelf-created importance.

But, my Lords, the rank in which Dr. Franklin appears, is not even that of a Province Agent: he moves in a very inferior orbit. An Agent for a province, your Lordſhips know, is a perſon choſen by the joint act of the Governor, Council, and Aſſembly; after which, a commiſſion is iſſued by the Secretary, under the province ſeal, appointing him to that office. Such a real Colony Agent, being made by the joint concurrence of all the three branches of the Government, will think it his duty to conſult the joint ſervice of all the three; and to contribute all he can to the peace, harmony, and orderly government of the whole; as well as to the general welfare and proſperity of the province. This at leaſt is what I learn from the copy books of two Gentlemen, who at different periods were Agents for this very Colony. But Dr. Franklin's appointment ſeems to have been made in direct oppoſition

ſition to all theſe. Upon a meſſage from the Council to the Aſſembly, deſiring that they would join in the choice of an Agent for the Colony, they came to a reſolution, that they will not join with the Honourable Board in the choice of ſuch an Agent; but reſolve that they will chooſe an Agent of their own; and then, that Dr. Franklin ſhould be that Agent. My Lords, the party by whom the Aſſembly is now directed, did not want a man who ſhould think himſelf bound in duty to conſult for the peace and harmony of the whole government; they had their own private ſeparate views, and they wanted an agent of their own, who ſhould be a willing inſtrument and inſtructor in the accompliſhing their own ſeparate purpoſes. Dr. Franklin, therefore, your Lordſhips ſee, not only moves in a different orbit from that of other Colony Agents, but he gravitates alſo to a very different center. His great point appears to be to ſerve the intereſt of his party; and privately to ſupply the leaders of it with the neceſſary intelligence. Whereſoever and howſoever he can lay his hands on them, he thinks it his duty to furniſh materials for diſſentions; to ſet at variance the different branches of the Legiſlature; and to irritate and incenſe the minds of the King's ſubjects againſt the King's Governor.

But,

But, ſays the Doctor, *the tendency of theſe letters was to incenſe the mother country againſt her colonies.*

There is a certain ſteadineſs which is ſingularly remarkable in this caſe. Theſe men are perpetually offering every kind of inſult to the Engliſh nation. Setting the King's authority at defiance; treating the parliament as uſurpers of an authority not belonging to them, and flatly denying the Supreme Juriſdiction of the Britiſh empire: And have been publiſhing their votes and reſolutions for this purpoſe; and yet now pretend a great concern about theſe letters, as having a tendency to incenſe the parent ſtate againſt the colony. Not content with bidding defiance to our authority, they now offer inſult to our underſtanding: And at the very time while they are flying in the King's face, would have him turn out his Governor, becauſe he has in the mildeſt terms intimated his opinion, that they do not pay the reverence, they uſed to do, to the Britiſh authority.

My Lords, we are perpetually told of men's incenſing the mother country againſt the colonies, of which I have never known a ſingle inſtance: But we hear nothing of the vaſt variety of arts, which have been made uſe of to incenſe the colonies againſt the mother country. And in all theſe arts no one I fear has been a more ſucceſsful proficient, than the very man, who now ſtands forth

forth as Mr. Hutchinſon's accuſer. My Lords, as he has been pleaſed in his own letter to avow this accuſation, I ſhall now return the charge, and ſhew to your Lordſhips, who it is that is the true incendiary, and who is the great abetter of that faction at Boſton, which, in form of a Committee of Correſpondence, have been inflaming the whole province againſt his Majeſty's government.

My Lords, the language of Dr. Franklin's peculiar correſpondents is very well known. For years paſt they have been boaſting of the countenance, which he receives in England, and the encouragement, which he ſends over to them at Boſton. One of their laſt boaſted advices was; Go on, abſtain from violence, but go on; for you have nothing to fear from the government here.

My Lords, from the exceſs of their zeal, theſe men are apt ſometimes to let out a little too much. In the Boſton Gazette of the 20th of September laſt is a letter, underſtood at Boſton to have been written by Mr. Adams, one of Dr. Franklin's ſix conſtituents *, which ends with the following paſſage.—" The late Agent

" Mr.

* This Gentleman was the manager of the diſcovery of Mr. Hutchinſon's letters in the Aſſembly; as Mr. Bowdoin, another of the Six, was in the Council.

" Mr. De Bert in one of his letters wrote, that " Lord Hillſborough profeſſed a great regard " for the intereſt of America; and he thought " the only thing that could be done to *ſerve* us, " was *to keep the matter of right out of ſight.* The " *profeſſed* deſign of that miniſter it ſeems was to " ſerve us. But America has not yet thought it " wiſe to agree to his Lordſhip's political plan, " to wink their liberties out of ſight, for the " ſake of a temporary accommodation." ' Dr. ' Franklin, who is *perhaps* as penetrating a ge- ' nius as his Lordſhip, extended his views a ' little farther. I hope, ſays he, in a letter ' dated in 1771, " the colony Aſſemblies will ' ſhow by repeated reſolves, *that they know their* ' *rights*, and *do not loſe ſight of them.* Our ' growing importance will ere long compel an ' acknowledgment of them, and eſtabliſh and ' ſecure them *to our poſterity.*" And he adds, ' I purpoſe to draw up a memorial *ſtating our* ' *rights and grievances*, and in the name and ' behalf of the province, *proteſting particularly* ' againſt the late innovations—Whether ſpeedy ' redreſs is or is not the conſequence, I imagine ' it may be of good uſe *to keep alive our claims*, ' and *ſhow* that we have not *given up* the con- ' teſted points.' " It ſeems to have been the " judgment of this great man, that *a ſtate of* " *rights* ſhould accompany a *complaint of grie-* " *vances*; and that decent and manly proteſts

" againſt

" againſt particular innovations, have the ſureſt " tendency to an effectual, if not a ſpeedy re- " moval of them *."

Your Lordſhips will be pleaſed to obſerve the time of Dr. Franklin's announcing his intention of drawing up for them ſuch a memorial, was in 1771. At the proper ſeaſon in the next year, there was produced a great work, under theſe very heads of a State of Rights, and a State of Grievances, and Proteſts againſt the new Innovations: But not from the preſs in London; that would not have anſwered the purpoſe. It was to be a memorial *in the name and behalf* of the province; and therefore was firſt to be ſent thither, and receive the ſtamp of their authorities. A town meeting therefore was called, and a Committee of Correſpondence choſen, to draw up a ſtate of their rights and grievances, and from the form of the reſolution it is pretty manifeſt, that the leaders knew already what the work was to be. After an adjournment the Committee met, and produced this great twelve-penny book, under the very heads of a State of their Rights, and containing a liſt of their Grievances, with remonſtrances ſufficiently ſtrong againſt what they call Innovations. The work was received with the utmoſt applauſe, and inſtantly converted into votes and reſolutions of the town of Boſton. And doubtleſs it well deſerved

* This Gazette was miſplaced during the ſpeech.

ſerved it: It is a ſet of ready drawn heads of a declaration for any one colony in America, or any one diſtant county in the kingdom, which ſhall chuſe to revolt from the Britiſh empire, and ſay that they will not be governed by the King and Parliament at Weſtminſter. They therefore voted that this report of their Committee of Correſpondence ſhould be printed in a pamphlet, and that ſix hundred copies of them ſhould be diſpoſed of to the ſelect men of the towns of the province, with an inflammatory letter, ſounding *an alarm of a plan of deſpotiſm, with which the Adminiſtration* (and the Parliament) *intended to enſlave them; and threatened them with certain and inevitable deſtruction:* And deſiring that they would call town-meetings, and ſend their votes and reſolutions upon this book. In 60 or 70 villages or townſhips ſuch meetings had been held: And all expreſs the higheſt approbation of this excellent performance. And well they might; for it told them a hundred rights, of which they never had heard before, and a hundred grievances which they never before had felt. Your Lordſhips ſee the votes and inſtructions of theſe ſeveral townſhips, in the Boſton gazettes here before me. They are full of the moſt extravagant abſurdities. Such as the enthuſiaſtic rants of the wildeſt of my countrymen in Charles the 2d's days cannot equal.

It is impoſſible to read them to your Lordſhips: Thoſe of Pembrok and of Marble-head are particularly curious: but I ſhall take thoſe of the town of Peterſham.

" Reſolved, That the Parliament of Great-
" Britain, uſurping and exerciſing a legiſlative
" autl ority over, and extorting an unrighteous
" revenue from theſe colonies, is againſt all
" divine and human laws. The late appoint-
" ment of ſalaries to be paid to our Superior
" Court Judges, whoſe creation, pay, and com-
" miſſion, depend on mere will and plea ure,
" complete a ſyſtem of bondage equal to any
" ever before fabricated by the combined effor s
" of the ingenuity, malice, fraud, and wick-
" edneſs of man.

" Therefore, Reſolved, That it is the firſt
" and higheſt ſocial duty of this people, to
" conſider of, and ſeek ways and means for a
" ſpeedy redreſs of theſe mighty grievances and
" intolerable wrongs; and that for the obtain-
" ment of this end, this people are warranted,
" by the laws of God and nature, in the uſe
" of every rightful art, and energy of *Policy*,
" *Stratagem, and Force.*

" Therefore, it is our earneſt deſire, and
" we here direct you, to uſe your utmoſt influ-
" ence (as one of the legiſlative body) to con-
" vince the nation of Great-Britain, that the

" mea-

" meaſures that they have meted out to us,
" will have a direct tendency to deſtroy both
" them and us; and petition the King and Par-
" liament of Great-Britain, in the moſt pathe-
" tic and ſtriking manner, to relieve us from
" our aggravated grievances; but if all this
" ſhould fail, we recommend it to your conſi-
" deration, and direct you to move it to the
" conſideration of the honourable Court,
" whether it would not be beſt to *call in the aid*
" *of ſome Proteſtant Power or Powers*, requeſt-
" ing that they would uſe their kind and Chriſtian
" influence, with our mother country, that ſo
" we may be relieved, and that brotherly love
" and harmony may again take place."

Theſe are the leſſons taught in Dr. Franklin's ſchool of Politics. My Lords, I do not ſay that Dr. Franklin is the original author of this book. But your Lordſhips will give me leave to obſerve, in the firſt place, that it is not very likely, that any of the Doctor's ſcholars at Boſton, ſhould attempt to draw up ſuch a ſtate of rights and grievances, when the *great man*, their maſter, had given them notice that he ſhould himſelf ſet about ſuch a work: and, in the next place, that if the Doctor ſhould not chuſe now to filiate the child, yet the time has been when he was not aſhamed of it; for, after it had had its operation in America, the

Doctor reprinted it here, with a preface of his own, and presented it to his friends.

My Lords, I have said, that sixty or seventy of the townships had already voted their approbation of the book. The evil was catching from town to town (and if the greater part could have been engaged, they would have forced the rest) when the Governor thought it his duty to interpose. He therefore called upon the Assembly to disown these undutiful proceedings. Had he only mentioned the disloyalty and evil tendency of them, they would probably have passed a few resolutions, and have suffered the evil to go on. He was well aware, that the Assembly could easily vote themselves as many privileges as they pleased, but that it was not so easy to prove their right to them. He, therefore, disarmed them of their strength in voting, and put them under the necessity of proving; and there he knew they would fail. By opening the session with that very masterly speech in defence of the British American constitution, he, for a time, stunned the faction, and gave a check to the progress of their Town-Meetings. And though the same men were in the Assembly created a Committee of Correspondence, to write to the Assemblies of the other provinces, yet the spirit of the design languished, and but little more was then done in it.

This, my Lords, is the great and principal ground of their quarrel with Mr. Hutchinſon. They want a Governor, who ſhall know *leſs* than themſelves, whereas he makes them feel that he knows *more*. He ſtopped the train which Dr. Franklin's conſtituents had laid, to blow up the province into a flame, which from thence was to have been ſpread over the other provinces. This was the real provocation: and for this they have been ſeeking for ſome ground of accuſation againſt him.

After ſifting his whole conduct for the four years, in which he has been Governor, they are not able to point out a ſingle action to find fault with. Their only recourſe is to their own ſurmiſes of what were the ſentiments of his heart five or ſix years ago. *He was*, they ſay, *among the inſtruments in introducing a fleet and army into the province.*—Have they attempted any proof of this? No. But they fancy from ſome letters of his, which do not ſay a ſingle word of that ſort. Is it poſſible to conceive of a more groundleſs accuſation, or not to ſee their intent in it?

My Lords, They mean nothing more by this Addreſs, than to fix a ſtigma on the Governor by the accuſation. Their charge, founded upon a pretence of knowing ſix years ago, what were Mr. Hutchinſon's thoughts, is not really de-

ſigned for his Majeſty in Council. They know that your Lordſhips will not take an accuſation for a proof; nor condemn without evidence. They never deſired to be brought to a hearing: and therefore the firſt inſtant when your Lordſhips call for their proofs, they fly off, and ſay they do not mean this as a charge, or a trial before your Lordſhips; and they ſay truly: they meant to bring it before the multitude, and to addreſs the popular prejudices. The mob, they know, need only hear their Governors accuſed, and *they* will be ſure to condemn. My Lords, they boaſt at Boſton, that they have found this method ſucceed againſt their laſt Governor, and they hope to make it do againſt this; and by a ſecond precedent to eſtabliſh their power, and make all future Governors bow to their authority. They wiſh to erect themſelves into a tyranny greater than the Roman: To be able, ſitting in their own ſecret cabal, to dictate for the Aſſembly, and ſend away their verboſa et grandis epiſtola, and get even a *virtuous* Governor dragged from his ſeat, and made the ſport of a Boſton mob.

Having turned out all other Governors, they may at length hope to get one of their own. The letters from Boſton, for two years paſt, have intimated that Dr. Franklin was aiming at Mr. Hutchinſon's government. It was not eaſy before

before this to give credit to ſuch ſurmiſes: But nothing ſurely but a too eager attention to an ambition of this ſort, could have betrayed a wiſe man into ſuch a conduct as we have now ſeen. Whether theſe ſurmiſes are true or not, your Lordſhips are much the beſt judges. If they ſhould be true, I hope that Mr. Hutchinſon will not meet with the leſs countenance from your Lordſhips, for his *Rival*'s being his accuſer. Nor will your Lordſhips, I truſt, from what you have heard, adviſe the having Mr. Hutchinſon diſplaced, in order to make room for Dr. Franklin as a ſucceſſor.

With regard to his *conſtituents*, the factious leaders at Boſton, who make this complaint againſt their Governor; if the *relating* of their evil doings be criminal, and tending to alienate his Majeſty's affections, muſt not the *doing* of them be much more ſo? Yet now they aſk that his Majeſty will gratify and reward *them* for doing theſe things; and that he will puniſh their Governor for relating them, becauſe they are ſo very bad that it cannot but offend his Majeſty to hear of them.

My Lords, if the account, given in theſe letters, of their proceedings, five years ago, tended to alienate his Majeſty's affections, has their conduct ever ſince been in any reſpect more conciliating? Was it to confute or prevent the

pernicious effect of theſe letters, that the good men of Boſton have lately held their meetings, appointed their Committees, and with their uſual moderation deſtroyed the cargo of three Britiſh ſhips? If an Engliſh Conſul, in any part of France or Spain, or rather Algiers or Tripoli, (for European Powers reſpect the law of nations) had not called this an outrage on his country, he would have deſerved puniſhment. But if a Governor at Boſton ſhould preſume to whiſper to a friend, that he thinks it ſomewhat more than a moderate exertion of Engliſh liberty, to deſtroy the ſhips of England, to attack her officers, to plunder their goods, to pull down their houſes, or even to burn the King's ſhips of war, he ought to be removed; becauſe ſuch a conduct in him *has a natural and efficacious tendency to interrupt the harmony between Great-Britain and the colony*, which theſe good ſubjects are ſtriving by ſuch means to eſtabliſh.

On the part of Mr. Hutchinſon and Mr. Oliver, I am inſtructed to aſſure your Lordſhips, that they feel no ſpark of reſentment, even at the individuals who have done them this injuſtice. Their private letters breathe nothing but moderation. They are convinced that the *people*, though miſled, are innocent. If the conduct of a few ſhould provoke a juſt indignation, *they* would be the moſt forward, and, I truſt,

the

the moſt efficacious ſolicitors to avert its effects, and to excuſe the men. They love the ſoil, the conſtitution, the people of New-England; they look with reverence to this country, and with affection to that. For the ſake of the people they wiſh ſome faults corrected, anarchy aboliſhed, and government re-eſtabliſhed: But theſe ſalutary ends they wiſh to promote by the gentleſt means; and the abridging of no liberties, which a people can poſſibly uſe to its own advantage. A reſtraint from ſelf-deſtruction is the only reſtraint they deſire to be impoſed upon New-England.

My Lords, I have ſaid that the letter, which accompanied theſe in queſtion, was anonymous, and that it was directed to be ſhown to ſix perſons only.

I am prepared to enter into the proof of this.—I call upon Dr. Franklin, for my witneſs. And I am ready to examine him.

N. B. Dr. Franklin being preſent, remained ſilent. But declared by his counſel, that he did not chuſe to be examined.

The

The following Letter having been mentioned in Mr. WEDDERBURN's Speech, it is printed for the Reader's Satisfaction, and to complete the Collection.

COPY *of a* LETTER *returned with thoſe ſigned* Tho. Hutchinſon, Andrew Oliver, *&c.* *From* ENGLAND.

SIR, *Narraganſet, Dec.* 22, 1767.

I AM now withdrawn to my little country villa, where, tho' I am more retired from the buſy world, yet I am ſtill enveloped with uneaſy reflections for a turbulent, degenerate, ungrateful continent, and the oppoſition I have met with in my indefatigable endeavours to ſecure our property in this colony, but hitherto without ſucceſs.—The times are ſo corrupted, and the conflict of parties ſo predominant, that faction is blind, or ſhuts her eyes to the moſt evident truths that croſs her deſigns, and believes in any abſurdities that aſſiſts to accompliſh her purpoſes under the proſtitution and proſtration of an infatuated government.—Judge then, my dear Sir, in what a critical ſituation the fortunes of *we* poor Europeans muſt be among them.

We have not been able to recover our property for years paſt, how great ſoever our exigencies may have been, unleſs we ſoothed them into a compliance:—We are unwilling to enter into a litiſ-conteſtation with them, becauſe the perverſion of their iniquitous courts of juſtice are ſo great, that experience has convinced us we had better loſe half, to obtain the other quietly, than purſue compulſary meaſures:—We are alſo afraid to apply to a Britiſh parliament for relief,

relief, as none can be effectually adminiſtred without a change of government, and a better adminiſtration of juſtice introduced; and was it known here that we made ſuch application home, not only our fortunes would be in greater jeopardy, but our lives endangered by it before any ſalutary regulations could take place.—We are ſenſible of the goodneſs of the KING and PARLIAMENT, but how far, or in what ſpace of time our grievance, as a few individuals, might weigh againſt the influence of a charter government, we are at a loſs to determine.

In 1761, I arrived in America, which circumſtance you probably remember well.—With great induſtry, caution and circumſpection, I have not only reduced our demands, and regulated our connections in ſome meaſure, but kept my head out of a HALTER which you had the honour to grace. (Pray Doctor how did it feel? The ſubject is ſtale, but I muſt be a little funny with you on the occaſion.) Much ſtill remains to be done, and after all my beſt endeavours, my conſtituents, from a moderate calculation, cannot loſe leſs than 50,000 *l.* ſterling, by the baneful conſtitution of this colony, and corruption of their courts of judicature. *It is really a very affecting and melancholy conſideration.*

Under a deep ſenſe of the infirmities of their conſtitution; the innovations which they have gradually interwoven among themſelves; and ſtimulated by every act of forbearance, lenity and patience, we have indulged our correſpondents until deluges of bankruptcies have enſued, inſolvent acts liberated them from our juſt demands, and finally, had our indiſ-

diſputable accounts refuſed admiſſion for our proportion of the ſmall remains, until colony creditors were firſt paid, and the whole abſorbed. We have had veſſels made over to us for the ſatisfaction of debts, and after bills of ſales were executed, carried off in open violence and force by Capt. Snip-ſnap of Mr. Nobody's appointment, and when we ſued him for damages, recovered a louſe. We have in our turn been ſued in our abſence, and condemned *ex parte* in large ſums for imaginary damages, for which we can neither obtain a trial, nor redreſs. They refuſe us an appeal to the king in council; the money muſt be paid when their executions become returnable; and were we to carry it home by way of complaint, it would coſt us two or three hundred pounds ſterling to proſecute, and after all, when his Majeſty's decrees come over in our favour, and refunding the money can no longer be evaded, I expect their effects will be ſecreted, their bodies releaſed by the inſolvent act, and our money, both principal, intereſt and expences irrecoverably gone.—Is not our caſe grievous?—We have in actions founded upon notes of hand, been caſt in their courts of judicature.—We have appealed to his Majeſty in council for redreſs, got their verdicts reverſed, and obtained the king's decrees for our money, but *that is all*; for altho' I have had them by me above twelve months, and employed two eminent lawyers to enforce them into execution, conformable to the colony law, yet we have not been able to recover a ſingle ſhilling, though we have danced after their courts and aſſemblies above THIRTY DAYS, *in vain* to accompliſh that purpoſe only: Conſider, my dear Sir, what expence, vexation and loſs of time this muſt be

be to us, and whether we have not juſt cauſe of complaint.

We have alſo in vain waited with great impatience for years paſt, in hopes his Majeſty would have nominated his judges, and other executive officers in every colony in America, which would in a great meaſure have removed the cauſe of our complaint.--Nothing can be more neceſſary than a ſpeedy regulation in this, and conſtituting it a regal government; and nothing is of ſuch important uſe to a nation, as that men who excel in *wiſdom* and *virtue* ſhould be encouraged to undertake the buſineſs of government: But the iniquitous courſe of their courts of juſtice in this colony, deter ſuch men from ſerving the public, or if they do ſo, unleſs patronized at home, their wiſdom and virtue are turned againſt them with ſuch malignity, that it is more ſafe to be *infamous* than renowned.—The principal exception I have met with here, is James Helmes, Eſq. who was choſen chief juſtice by the general aſſembly at laſt election.—He accepted his appointment, diſtinguiſhes himſelf by capacity and application, and ſeems neither afraid nor aſhamed to adminiſter impartial juſtice to *all*, even to the native and reſiding creditors of the mother country.—I have known him grant them temporary relief by writs of error, &c. when both he and they were over-ruled by the partiality of the court; and in vain, though with great candour and force, plead with the reſt of the bench, that for the honour of the colony, and their own reputation, they ought never to pay leſs regard to the decrees of his Majeſty in council, becauſe the property was determined in Great Britain, than to

their own. I have alſo heard him with *reſolution and firmneſs*, when he diſcovered the court to be *immoderately partial*, order his name to be inrolled, as diſſenting from the verdict—For ſuch honeſty and candour, I am perſuaded he will be depoſed at next election, unleſs they ſhould be ſtill in hopes of making a convert of him.

I wiſh it was in my power to prevent every American from ſuffering for the cauſe of integrity, and their mother country; *he*, in an eſpecial manner, ſhould not only be *protected* and *ſupported*, but appear among the firſt promotions.—Is there no gentleman of public ſpirit at home, that would be pleaſed to be an inſtrument of elevating a man of his principles and probity? or is it become faſhionable for vice to be countenanced with impunity, and every trace of virtue paſſed over unnoticed! God forbid.

The colonies have originally been wrong founded.—They ought all to have been regal governments, and every executive officer appointed by the king. Until that is effected, and they are properly regulated, they will never be beneficial to themſelves, nor good ſubjects to Great Britain.—You ſee with what contempt they already treat the acts of parliament for regulating their trade, and enter into the moſt public, illegal and affronting combinations to obtain a repeal, by again impoſing upon the Britiſh merchants and manufacturers, and all under the cloak of *retrenching their expences* by avoiding every *unneceſſary ſuperfluity*. Were that really the caſe, I am ſure I would, and alſo every other Britiſh ſubject, eſteem them for it; but the fact is, they obtained a repeal of the ſtamp act by mercantile influence, and they are now endeavouring by the

the ſame artifice and fineſſe to repeal the acts of trade, and obtain a total exemption from all taxation.—Were it otherways, and they ſincerely diſpoſed to ſtop the importation of every unneceſſary ſuperfluity, without affronting the Britiſh legiſlation, by their public, general and illegal combinations, they might accompliſh their purpoſes with much more *decency*, and ſuppreſs it more effectually by the acts of their own legiſlation, impoſing ſuch duties upon their importation here *, as might either occaſion a total prohibition, or confine the conſumption of them to particular individuals that can afford to buy, by which meaſures they would alſo raiſe a conſiderable colony REVENUE, and eaſe the poorer inhabitants in the tax they now pay:—But the temper of the country is exceedingly *factious*, and prone to ſedition; they are growing more *imperious*, *haughty*, nay *inſolent* every day, and in a ſhort ſpace, unleſs wholeſome regulations take place, the ſpirit they have inkindled, and the conceptions of government they have imbibed will be more grievous to the mother country than ever the oſtraciſm was to the Athenians.

A bridle at preſent, may accompliſh more than a rod hereafter; for the malignant poiſon of the times, like a general peſtilence, ſpreads beyond conception; and if the Britiſh parliament are too late in their regulations, neglect meaſures ſeven years, which are eſſentially neceſſary now, ſhould they then be able to ſtifle their commotions, it will only be a temporary extinction,

* I mean foreign growth, or fabrications; but if on Britiſh, it would be more pardonable than their preſent ſyſtem.

tinction, conſequently, every hour's indulgence will anſwer no other purpoſe than enable them in a more effectual manner to ſow ſeeds of diſſenſion to be rekindled whenever they are in a capacity to oppoſe the mother country and render themſelves independent of her.

Have they not already in the moſt public manner ſhewn their oppoſition to the meaſures of parliament in the affair of the late ſtamp act? Do not they now with equal violence and audacity, in both public papers and converſation, declare the parliamentary regulations in their acts of trade to be illegal and a mere nullity?—What further proofs do we wait for, of either their good or bad diſpoſition? Did you ever hear of any colonies, *in their infant ſtate*, teach the ſcience of tyranny, *reduced into rules* *, over every ſubject that diſcountenanced their meaſures in oppoſition to the mother country, *in a more imperious manner than they have done theſe four years paſt?* Have they not made uſe of every ſtroke of policy (in their way) to avail themſelves of the dark purpoſes of their independence, and ſuffered no reſtraint of conſcience, or fear, not even the guilt of threatening *to excite a civil war*, and *revolt*, if not indulged with an unlimited trade, without reſtraint; and Britiſh protection, without expence? for that is the engine of it.—Is this their true, or miſtaken portrait? SAY.—If it is their true one, ought not ſuch pernicious maxims of policy? ſuch wicked diſcipline? ſuch ingratitude? ſuch diſſimulation? ſuch perfidy? ſuch

* The Committee to the Sons of Liberty, &c.

violent, ruthleſs and ſanguinary councils, where a Cleon bears rule, and an Ariſtides cannot be endured, to be cruſhed in embryo? If not, the alternative cannot avoid producing ſuch a government, as will ere long throw the whole kingdom into the utmoſt confuſion, endanger the life, liberty and property of every good ſubject, and again expoſe them to the mercileſs aſſaſſination of a rabble.

I am ſenſible that in all political diſputes, eſpecially in America, a man may ſee ſome things to blame on both ſides, and ſo much to fear, which ever faction ſhould conquer, as to be juſtified in not intermeddling with either; but in matters of ſuch vaſt importance as the preſent, wherein we have ſuffered ſo much,—ſtill deeply intereſted, and by which the peace and tranquility of the nation is at ſtake; it is difficult to conceal one's emotions from a friend, and remain a tranquil ſpectator on a theatre of ſuch chicanery and colluſion, as will inevitably (if not checked, and may ſooner happen than is imagined by many) chill the blood of many a true Briton.

It may be true policy, in ſome caſes, to tame the fierceſt ſpirit of popular liberty, not by blows, or by chains, but by ſoothing her into a willing obedience, and making her kiſs the very hand that reſtrains her; but ſuch policy would be a very unſuitable potion to cure the malady of the preſent times. They are too much corrupted; and already ſo intoxicated with their own importance, as to make a wrong uſe of lenient meaſures.—They conſtrue them into their own natural rights, and a timidity in the mother country. They conſider themſelves a little bigger than the *frog* in the *fable*, and that G. Britain can

never long grapple with their huge territory of 1500 miles frontier, already populous, and increaſing with ſuch celerity, as to double their numbers once in *twenty-five years*.—This is not perfectly conſonant with my idea of the matter, though ſuch calculation has been made; and admitting it to be erroneous, yet as they believe it, it has the ſame evil effect, and poſſeſſes the imaginations of the people with ſuch a degree of inſanity and enthuſiaſm, as there is hardly any thing more common than to hear them boaſt of particular colonies that can raiſe on a ſhort notice *an hundred thouſand fighting men, to oppoſe the force of Great-Britain*; certain it is, that they increaſe in numbers by emigration, &c. very faſt, and are become ſuch a body of people, with ſuch extenſive territory as require every bud of their genius and diſpoſition to be narrowly watched, and pruned with great judgment, otherwiſe they may become not only troubleſome to Great Britain, but enemies to themſelves. —Now is the critical ſeaſon.—They are ſtill like ſome raw giddy youth juſt emerging into the world in a corrupt degenerate age. A parent, or a guardian, is therefore ſtill neceſſary; and if well managed, they will ſoon arrive at ſuch maturity as to become obedient, dutiful children; but if neglected long, the rod of chaſtiſement will be ſo much longer neceſſary as to become too burthenſome, and muſt be dropt with the colonies.—They almoſt conſider themſelves as a ſeparate people from Great Britain already.

Laſt month, while I was attending the General Aſſembly, the Governor ſent a written meſſage to the lower houſe, importing his intentions of a reſignation at the next election, aſſigning for reaſons,

the fumes in the colony and party ſpirit were ſo high, and that bribery and corruption were ſo predominant, that neither *life*, *liberty*, nor *property* were ſafe, &c. &c. &c. Now, Sir, whether the Governor's intentions as exhibited in this open, public declaration, was real, or *feigned* to anſwer political purpoſes; it ſtill evinces their decrepid ſtate; the proſtitution of government; and melancholy ſituation of every good ſubject: For it cannot be ſuppoſed, by any candid inquiſitor, that a declaration of that nature, and for[illegible] would, if not true, been delivered by a Governo[illegible] whole legiſlative body, in order to emancipate himſelf. If this truth is granted, and this allowed to be their unhappy ſituation, how much is it the duty of every good man, and what language is ſufficient to paint, in an effectual manner, this internal imbecillity of an Engliſh colony (in many other reſpects favourably ſituated for trade and commerce, one of the ſafeſt, largeſt, and moſt commodious harbours in all America, or perhaps in all Europe, acceſſible at all ſeaſons, ſituated in a fine climate, and abounding with fertile ſoil)—to the maternal bowels of compaſſion, in order that ſhe may ſeaſonably, if ſhe thinks it neceſſary to interpoſe, regulate, and wipe away their pernicious CHARTER, rendered obnoxious by the abuſe of it.

I am afraid I have tired your patience with a ſubject that muſt give pain to every impartial friend to Great Britain and her colonies.—When I took up my pen,—I only intended to have communicated the out-lines of ſuch of my perplexities (without dipping ſo far into political matter) as I thought would atone

for,

for, or excuſe my long ſilence, and excite your compaſſion and advice.

Our friend Robinſon is gone to Boſton to join the commiſſioners. My compliments to Col. Stuart.—May I aſk the favour of you both to come and eat a Xmas dinner with me at Batchelor's hall, and celebrate the feſtivity of the ſeaſon with me in Narraganſet woods. A covy of partridges, or bevy of quails, will be entertainment for the Colonel and me, while the pike and pearch ponds amuſe you.—Should buſineſs or pre-ingagement prevent me that pleaſure, permit me to aſk the favour of your earlieſt intelligence of the proceedings of parliament; and of your opinion whether our caſe is not ſo grievous as to excite their compaſſion and interpoſition were it known. This narration, together with your own knowledge of many of the facts, and the diſpoſition of the colonies in general, will refreſh your memory, and enable you to form a judgment. Relief from home ſeems ſo tedious, eſpecially to us who have ſuffered ſo much, like to ſuffer more, and unacquainted with their reaſons of delay, that I am quite impatient.

Above twelve months ago, I received from three Gentlemen in London (in truſt for ſeveral others) exemplified accounts for a balance of above twenty-ſix thouſand pounds ſterling, moſtly due from this colony, not £. 50 of which ſhall I ever be able to recover without compulſive meaſures, and what is ſtill worſe, my lawyer adviſes me from all thoughts of proſecution, unleſs a change of government enſues. I am therefore obliged to ſend them his opinion (in

juſtification of my own conduct) in lieu of money ten years due. Poor ſatisfaction! Our conſolation muſt be in a Britiſh parliament. Every other avenue is rendered impregnable by their ſubtlety, and degeneracy, and we can no longer depend upon a people who are ſo unthankful for our indulgences, and the lenity of their mother country. I wiſh you the compliments of the approaching ſeaſon, and a ſucceſſion of many happy new years,

I am, Sir, with much regard,

Your moſt humble Servant,

G. ROME.

L. S.

At the Court at ST. JAMES'S,
the 7th Day of February, 1774.

PRESENT

The KING's moſt Excellent Majeſty,

Lord Chancellor	Viſcount Falmouth
Lord Preſident	Viſcount Barrington
Duke of Queenſberry	Lord Le Deſpenſer
Duke of Ancaſter	Lord Cathcart
Lord Chamberlain	Lord Hyde
Earl of Suffolk	James Stuart Mackenzie, Eſq.
Earl of Denbigh	Hans Stanley, Eſq.
Earl of Sandwich	George Onſlow, Eſq.
Earl of Rochford	Sir Jeffery Amherſt
Earl of Dartmouth	Charles Jenkinſon, Eſq.
Earl of Briſtol	Sir John Goodricke.
Earl of Pomfret	

Whereas there was this day read at the Board, a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated the 29th of laſt month, in the words following; viz.

'At the Council Chamber, Whitehall,
'the 29th of January, 1774.

'By the Right Honourable the Lords of 'the Committee of Council for Planta- 'tion Affairs.

'PRESENT

'Archbiſhop of Canterbury	'Earl of Rochford
'Lord Preſident	'Earl of Marchmont
'Duke of Queenſberry	'Earl of Dartmouth
'Earl of Suffolk	'Earl of Buckinghamſhire
'Earl of Denbigh	'Earl of Hardwicke
'Earl of Sandwich	'Earl of Hillſborough

' Lord George Sackville
' Germain
Viſcount Townſhend
Viſcount Falmouth
' Lord North
' Biſhop of London
' Lord Le Deſpencer
' Lord Cathcart
' Lord Hyde
' James Stuart Mackenzie,
' Eſq.
' General Conway
' Wellbore Ellis, Eſq.
' Sir Gilbert Elliot
' Hans Stanley, Eſq.
' Richard Rigby, Eſq.
' Sir Eardley Wilmot
' Thomas Townſend, jun.
' Eſq.
' George Onſlow, Eſq.
' George Rice, Eſq.
' Lord Chief Juſtice De
' Grey
' Sir Lawrence Dundaſs
' Sir Jeffery Amherſt
' Sir Thomas Parker
' Charles Jenkinſon, Eſq.

' YOUR Majeſty having been pleaſed
' by your Order in Council of the 10th of
' laſt month, to refer unto this Committee,
' an Addreſs of the Houſe of Repreſen-
' tatives of the Province of Maſſachuſett's
' Bay, complaining of the conduct of Tho-
' mas Hutchinſon, Eſq. Governor, and
' Andrew Oliver, Eſq. Lieutenant Go-
' vernor of that Province; and humbly
' praying that your Majeſty would be
' pleaſed to remove the ſaid Thomas
' Hutchinſon, Eſq. and Andrew Oliver,
' Eſq. from their poſts in that govern-
' ment.—The Lords of the Committee did,
' in obedience to your Majeſty's ſaid order
' of reference, proceed on the 11th of this
' inſtant to take the petition of the ſaid
' Houſe of Repreſentatives into conſidera-
' tion, and were attended by Benjamin
' Franklin,

' Franklin, Eſquire, ſtiling himſelf Agent
' for the ſaid Houſe of Repreſentatives
' (and from whom the ſaid petition had
' been tranſmitted to the Right Honourable
' the Earl of Dartmouth one of your Ma-
' jeſty's principal Secretaries of State)
' and likewiſe by Iſrael Mauduit Eſquire,
' from whom application had been made
' to this Committee, humbly praying on
' behalf of your Majeſty's ſaid Governor
' and Lieutenant Governor, that he might
' be heard by Council in relation to the
' Addreſs of the Houſe of Repreſentatives
' of the ſaid province; and the ſaid Benja-
' min Franklin, Eſq. having thereupon
' prayed, that he might in that caſe be
' heard alſo by his Council at a future
' day—The Lords of the Committee did,
' in compliance with the petition of the
' ſaid Iſrael Mauduit, Eſq. and at the
' inſtance of the ſaid Benjamin Franklin,
' Eſq. think proper to appoint a future
' day to reſume the conſideration of the
' ſaid petition of the Houſe of Repreſenta-
' tives of Maſſachuſett's Bay, and to allow
' Council to be heard on both ſides there-
' upon.—And their Lordſhips having been
' this day attended by Council on both
' ſides accordingly, and heard all that they

' had

' had to offer, and having maturely weighed
' and conſidered the whole of the evidence
' adduced by the ſaid Benjamin Franklin,
' Eſq. upon which the ſaid Houſe of Re-
' preſentatives did come to the ſeveral
' reſolves, which are the foundation of
' their ſaid petition to your Majeſty: The
' Lords of the Committee take leave to
' repreſent to your Majeſty, that the ſaid
' Houſe of Repreſentatives, have by their
' ſaid petition taken upon themſelves to
' bring a general charge againſt your Ma-
' jeſty's ſaid Governor and Lieutenant-
' Governor, and to complain of their con-
' duct, " As having a natural and effica-
" cious tendency to interrupt and alienate
" the affections of your Majeſty from that
" your Loyal Province—To deſtroy that
" harmony and good will between Great-
" Britain and that Colony, which every
" honeſt ſubject would ſtrive to eſtabliſh—
" To excite the reſentment of the Britiſh
" adminiſtration againſt that Province—
" To defeat the endeavours of their agents
" and friends to ſerve them by a fair re-
" preſentation of their ſtate of facts—To
" prevent their humble and repeated peti-
" tions from reaching the ear of your Ma-
" jeſty, or having their deſired effect;

" and

" and finally charging your Majeſty's ſaid
" Governor and Lieutenant-Governor with
" having been among the chief inſtru-
" ments of introducing a fleet and an army
" into that Province, to eſtabliſh and per-
" petuate their plans, whereby your Ma-
" jeſty's ſaid Governor and Lieutenant-
" Governor have been not only greatly
" inſtrumental of diſturbing the peace and
" harmony of the government, and cauſ-
" ing unnatural and hateful diſcords and
" animoſities between the ſeveral parts of
" your Majeſty's extenſive dominions, but
" are juſtly chargeable with all that cor-
" ruption of morals, and all that confu-
" ſion, miſery, and bloodſhed, which
" have been the natural effects of poſting
" an army in a populous town."—But the
' Lords of the Committee cannot but ex-
' preſs their aſtoniſhment, that a charge
' of ſo ſerious and extenſive a nature
' againſt the perſons, whom the ſaid Houſe
' of Repreſentatives acknowledge by their
' ſaid petition to have heretofore had the
' confidence and eſteem of the people, and
' to have been advanced by your Majeſty
' from the pureſt motives of rendering
' your ſubjects happy, to the higheſt places
' of truſt and authority in that Province,

' ſhould

' ſhould have no other evidence to ſupport
' it but inflammatory and precipitate re-
' ſolutions, founded only on certain letters,
' written reſpectively by them (and all but
' one before they were appointed to the poſts
' they now hold) in the years 1767, 1768,
' and 1769, to a gentleman then in no office
' under the governme..., in the courſe of
' familiar correſpondence, and in the con-
' fidence of private friendſhip, and which
' it was ſaid (and it was not denied by Mr.
' Franklin) were ſurreptitiouſly obtained
' after his death, and ſent over to America,
' and laid before the Aſſembly of the
' Maſſachuſett's Bay; and which letters
' appear to us to contain nothing repre-
' henſible or unworthy of the ſituation
' they were in; and we preſume, that it
' was from this impropriety, that the
' Council did diſclaim on behalf of the
' Aſſembly any intention of bringing a cri-
' minal charge againſt the Governor and
' Lieutenant Governor; but ſaid that the
' petition was founded ſolely on the ground
' of the Governor and Lieutenant Go-
' vernor being, as they alledged, now be-
' come obnoxious to the people of the pro-
' vince; and that it was in this light only
' that the ſaid petition was preſented to

'your Majeſty—And there being no other 'evidence now produced, than the ſaid 'reſolutions and letters, together with 'reſolutions of a ſimilar import by the 'Council of the ſaid province, founded, 'as it was ſaid, on the ſame letters'—

'The Lords of the Committee do 'agree humbly to report, as their opinion 'to your Majeſty, that the ſaid petition 'is founded upon reſolutions, formed 'upon falſe and erroneous allegations, and 'that the ſame is groundleſs, vexatious, 'and ſcandalous, and calculated only for 'the ſeditious purpoſes of keeping up a 'ſpirit of clamour and diſcontent in the 'ſaid province.—And the Lords of the 'Committee do further humbly report to 'your Majeſty, that nothing has been laid 'before them, which does or can, in their 'opinion, in any manner or in any degree, 'impeach the honour, integrity or conduct 'of the ſaid Governor or Lieutenant Go-'vernor; and their Lordſhips are humbly 'of opinion, that the ſaid petition ought 'to be diſmiſſed.'

His Majeſty taking the ſaid report into conſideration, was pleaſed, with the advice of his Privy Council, to approve thereof; and to order

order, that the ſaid petition of the Houſe of Repreſentatives of the province of the Maſſachuſett's Bay, be, and it is hereby diſmiſſed this board, as groundleſs, vexatious, and ſcandalous, and calculated only for the ſeditious purpoſe of keeping up a ſpirit of clamour and diſcontent in the ſaid province.

G. CHETWYND.